

129th MAINE LEGISLATURE

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Legislative Document

No. 18

H.P. 19

House of Representatives, January 2, 2019

An Act To Ensure Proper Prosecution of Crimes Involving Domestic Violence and Enhance Protection of Victims of Domestic Violence

(EMERGENCY)

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative RECKITT of South Portland. Cosponsored by Senator CARPENTER of Aroostook and Representatives: BAILEY of Saco, COREY of Windham, FAY of Raymond, McCREIGHT of Harpswell, PERRY of Calais, TALBOT ROSS of Portland, TEPLER of Topsham, TERRY of Gorham.

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- 3 **Whereas,** to ensure the necessary and proper prosecution of crimes in the State 4 involving domestic violence and to enhance the protection of victims of domestic 5 violence from their abusers, this legislation must take effect immediately; and
- 6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 7 the meaning of the Constitution of Maine and require the following legislation as 8 immediately necessary for the preservation of the public peace, health and safety; now, 9 therefore,
- 10 Be it enacted by the People of the State of Maine as follows:
- 11 Sec. 1. 17-A MRSA §§208-D, 208-E and 208-F are enacted to read:
- 12 §208-D. Domestic violence aggravated assault
- 13 <u>**1.** A person is guilty of domestic violence aggravated assault if:</u>
- 14 <u>A. The person violates section 208; and</u>
- 15 <u>B.</u> The victim is a family or household member as defined in Title 19-A, section
 4002, subsection 4.
- 17 **2.** Violation of this section is a Class B crime.

18 §208-E. Domestic violence elevated aggravated assault

- 19 **<u>1. A person is guilty of domestic violence elevated aggravated assault if:</u>**
- 20 <u>A. The person violates section 208-B; and</u>
- 21B. The victim is a family or household member as defined in Title 19-A, section224002, subsection 4.
- 23 **2.** Violation of this section is a Class A crime.
- 24 <u>§208-F. Domestic violence elevated aggravated assault on pregnant person</u>
 25 1. A person is guilty of domestic violence elevated aggravated assault on a pregnant
- 26 <u>person if:</u>
- 27 <u>A. The person violates section 208-C; and</u>
- B. The victim is a family or household member as defined in Title 19-A, section
 4002, subsection 4.
- 30 **2.** Violation of this section is a Class A crime.
- 31 Sec. 2. 19-A MRSA §4011, sub-§5 is enacted to read:

- 5. Repeat violations. A person who commits a violation under subsection 1 and has
 2 or more prior convictions under subsection 1 or for engaging in substantially similar
 3 conduct in another jurisdiction commits a Class C crime. Title 17-A, section 9-A governs
 4 the use of prior convictions when determining a sentence.
- 5 **Emergency clause.** In view of the emergency cited in the preamble, this 6 legislation takes effect when approved.

7

SUMMARY

8 This bill creates the crimes of domestic violence aggravated assault, domestic 9 violence elevated aggravated assault and domestic violence elevated aggravated assault 10 on a pregnant person. The bill also makes violation of a protection from abuse order a 11 Class C crime if the person has 2 or more prior convictions for violating a protection from 12 abuse order.