



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1461

S.P. 579

In Senate, March 30, 2023

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**An Act to Prevent Dating Partner Abuse by Including Dating Partners in the Scope of Domestic Violence Crimes**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.  
Cosponsored by Representative MILLETT of Cape Elizabeth.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §15, sub-§1, ¶A**, as amended by PL 2021, c. 647, Pt. B, §§15  
3 and 16 and affected by §65, is further amended by amending subparagraph (5-A) to read:

4 (5-A) Assault, criminal threatening, terrorizing, stalking, criminal mischief,  
5 obstructing the report of a crime or injury or reckless conduct if the officer  
6 reasonably believes that the person and the victim are family or household  
7 members, as defined in Title 19-A, section 4102, subsection 6 or dating partners as  
8 defined in Title 19-A, section 4102, subsection 4;

9 **Sec. 2. 17-A MRSA §207-A, sub-§1, ¶A**, as amended by PL 2021, c. 647, Pt. B,  
10 §17 and affected by §65, is further amended to read:

11 A. The person violates section 207 and the victim is a family or household member as  
12 defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title  
13 19-A, section 4102, subsection 4. Violation of this paragraph is a Class D crime; or

14 **Sec. 3. 17-A MRSA §207-A, sub-§1, ¶B**, as amended by PL 2021, c. 647, Pt. B,  
15 §18 and affected by §65, is further amended to read:

16 B. The person violates paragraph A and at the time of the offense:

17 (1) Has one or more prior convictions for violating paragraph A or for violating  
18 section 208-D, 208-E, 208-F, 209-A, 210-B, 210-C or 211-A or one or more prior  
19 convictions for engaging in conduct substantially similar to that contained in  
20 paragraph A or in section 208-D, 208-E, 208-F, 209-A, 210-B, 210-C or 211-A in  
21 another jurisdiction;

22 (2) Has one or more prior convictions for violating Title 19-A, former section  
23 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior  
24 convictions for engaging in conduct substantially similar to that contained in Title  
25 19-A, section 4113, subsection 1 in another jurisdiction;

26 (3) Has one or more prior convictions for violating Title 15, section 1092,  
27 subsection 1, paragraph B when the condition of release violated is specified in  
28 Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when  
29 the alleged victim in the case for which the defendant was on bail was a family or  
30 household member as defined in Title 19-A, section 4102, subsection 6 or a dating  
31 partner as defined in Title 19-A, section 4102, subsection 4; or

32 (4) Has one or more prior convictions for violating section 208, 208-B or 208-C,  
33 and the State had pled and proved that the victim of the applicable prior conviction  
34 was a family or household member, as defined in Title 19-A, section 4102,  
35 subsection 6, or a dating partner, as defined in Title 19-A, section 4102, subsection  
36 4, or has one or more prior convictions in another jurisdiction for engaging in  
37 conduct substantially similar to that contained in section 208, 208-B or 208-C and  
38 it had been pled and proved that the victim was a family or household member or  
39 a dating partner.

40 Violation of this paragraph is a Class C crime.

41 **Sec. 4. 17-A MRSA §208-D, sub-§1**, as amended by PL 2021, c. 647, Pt. B, §19  
42 and affected by §65, is further amended to read:

- 1           **1.** A person is guilty of domestic violence aggravated assault if that person:
- 2           A. Violates section 208, subsection 1, paragraph A and the victim is a family or
- 3           household member as defined in Title 19-A, section 4102, subsection 6 or a dating
- 4           partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph
- 5           is a Class B crime;
- 6           B. Violates section 208, subsection 1, paragraph A-1 and the victim is a family or
- 7           household member as defined in Title 19-A, section 4102, subsection 6 or a dating
- 8           partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph
- 9           is a Class A crime;
- 10          C. Violates section 208, subsection 1, paragraph B and the victim is a family or
- 11          household member as defined in Title 19-A, section 4102, subsection 6 or a dating
- 12          partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph
- 13          is a Class B crime; or
- 14          D. Violates section 208, subsection 1, paragraph C and the victim is a family or
- 15          household member as defined in Title 19-A, section 4102, subsection 6 or a dating
- 16          partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph
- 17          is a Class B crime.

18           **Sec. 5. 17-A MRSA §208-E, sub-§1, ¶B,** as amended by PL 2021, c. 647, Pt. B,

19           §20 and affected by §65, is further amended to read:

20           B. The victim is a family or household member as defined in Title 19-A, section 4102,

21           subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4.

22           **Sec. 6. 17-A MRSA §208-F, sub-§1, ¶B,** as amended by PL 2021, c. 647, Pt. B,

23           §21 and affected by §65, is further amended to read:

24           B. The victim is a family or household member as defined in Title 19-A, section 4102,

25           subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4.

26           **Sec. 7. 17-A MRSA §209-A, sub-§1, ¶A,** as amended by PL 2021, c. 647, Pt. B,

27           §22 and affected by §65, is further amended to read:

28           A. The person violates section 209 and the victim is a family or household member as

29           defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title

30           19-A, section 4102, subsection 4. Violation of this paragraph is a Class D crime; or

31           **Sec. 8. 17-A MRSA §209-A, sub-§1, ¶B,** as amended by PL 2021, c. 647, Pt. B,

32           §23 and affected by §65, is further amended to read:

33           B. The person violates paragraph A and at the time of the offense:

34           (1) Has one or more prior convictions for violating paragraph A or for violating

35           section 207-A, 208-D, 208-E, 208-F, 210-B, 210-C or 211-A or one or more prior

36           convictions for engaging in conduct substantially similar to that contained in

37           paragraph A or in section 207-A, 208-D, 208-E, 208-F, 210-B, 210-C or 211-A in

38           another jurisdiction;

39           (2) Has one or more prior convictions for violating Title 19-A, former section

40           4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior

41           convictions for engaging in conduct substantially similar to that contained in Title

42           19-A, section 4113, subsection 1 in another jurisdiction;

1 (3) Has one or more prior convictions for violating Title 15, section 1092,  
2 subsection 1, paragraph B when the condition of release violated is specified in  
3 Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when  
4 the alleged victim in the case for which the defendant was on bail was a family or  
5 household member as defined in Title 19-A, section 4102, subsection 6 or a dating  
6 partner as defined in Title 19-A, section 4102, subsection 4; or

7 (4) Has one or more prior convictions for violating section 208, 208-B or 208-C,  
8 and the State had pled and proved that the victim of the applicable prior conviction  
9 was a family or household member, as defined in Title 19-A, section 4102,  
10 subsection 6, or a dating partner, as defined in Title 19-A, section 4102, subsection  
11 4, or has one or more prior convictions in another jurisdiction for engaging in  
12 conduct substantially similar to that contained in section 208, 208-B or 208-C and  
13 it had been pled and proved that the victim was a family or household member or  
14 a dating partner.

15 Violation of this paragraph is a Class C crime.

16 **Sec. 9. 17-A MRSA §210-B, sub-§1, ¶A**, as amended by PL 2021, c. 647, Pt. B,  
17 §25 and affected by §65, is further amended to read:

18 A. The person violates section 210 and the victim is a family or household member as  
19 defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title  
20 19-A, section 4102, subsection 4. Violation of this paragraph is a Class D crime; or

21 **Sec. 10. 17-A MRSA §210-B, sub-§1, ¶B**, as amended by PL 2021, c. 647, Pt. B,  
22 §26 and affected by §65, is further amended to read:

23 B. The person violates paragraph A and at the time of the offense:

24 (1) Has one or more prior convictions for violating paragraph A or for violating  
25 section 207-A, 208-D, 208-E, 208-F, 209-A, 210-C or 211-A or one or more prior  
26 convictions for engaging in conduct substantially similar to that contained in  
27 paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-C or 211-A in  
28 another jurisdiction;

29 (2) Has one or more prior convictions for violating Title 19-A, former section  
30 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior  
31 convictions for engaging in conduct substantially similar to that contained in Title  
32 19-A, section 4113, subsection 1 in another jurisdiction;

33 (3) Has one or more prior convictions for violating Title 15, section 1092,  
34 subsection 1, paragraph B when the condition of release violated is specified in  
35 Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when  
36 the alleged victim in the case for which the defendant was on bail was a family or  
37 household member as defined in Title 19-A, section 4102, subsection 6 or a dating  
38 partner as defined in Title 19-A, section 4102, subsection 4; or

39 (4) Has one or more prior convictions for violating section 208, 208-B or 208-C,  
40 and the State had pled and proved that the victim of the applicable prior conviction  
41 was a family or household member, as defined in Title 19-A, section 4102,  
42 subsection 6, or a dating partner, as defined in Title 19-A, section 4102, subsection  
43 4, or has one or more prior convictions in another jurisdiction for engaging in

1           conduct substantially similar to that contained in section 208, 208-B or 208-C and  
2           it had been pled and proved that the victim was a family or household member or  
3           a dating partner.

4           Violation of this paragraph is a Class C crime.

5           **Sec. 11. 17-A MRSA §210-C, sub-§1, ¶A**, as amended by PL 2021, c. 647, Pt. B,  
6           §27 and affected by §65, is further amended to read:

7           A. The person violates section 210-A and the victim is a family or household member  
8           as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in  
9           Title 19-A, section 4102, subsection 4. Violation of this paragraph is a Class D crime;  
10          or

11          **Sec. 12. 17-A MRSA §210-C, sub-§1, ¶B**, as amended by PL 2021, c. 647, Pt. B,  
12          §28 and affected by §65, is further amended to read:

13          B. The person violates paragraph A and at the time of the offense:

14           (1) Has one or more prior convictions for violating paragraph A or for violating  
15           section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 211-A or one or more prior  
16           convictions for engaging in conduct substantially similar to that contained in  
17           paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 211-A in  
18           another jurisdiction;

19           (2) Has one or more prior convictions for violating Title 19-A, former section  
20           4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior  
21           convictions for engaging in conduct substantially similar to that contained in Title  
22           19-A, section 4113, subsection 1 in another jurisdiction;

23           (3) Has one or more prior convictions for violating Title 15, section 1092,  
24           subsection 1, paragraph B when the condition of release violated is specified in  
25           Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when  
26           the alleged victim in the case for which the defendant was on bail was a family or  
27           household member as defined in Title 19-A, section 4102, subsection 6 or a dating  
28           partner as defined in Title 19-A, section 4102, subsection 4; or

29           (4) Has one or more prior convictions for violating section 208, 208-B or 208-C,  
30           and the State had pled and proved that the victim of the applicable prior conviction  
31           was a family or household member, as defined in Title 19-A, section 4102,  
32           subsection 6, or a dating partner, as defined in Title 19-A, section 4102, subsection  
33           4, or has one or more prior convictions in another jurisdiction for engaging in  
34           conduct substantially similar to that contained in section 208, 208-B or 208-C and  
35           it had been pled and proved that the victim was a family or household member or  
36           a dating partner.

37          Violation of this paragraph is a Class C crime.

38          **Sec. 13. 17-A MRSA §211-A, sub-§1, ¶A**, as amended by PL 2021, c. 647, Pt. B,  
39          §29 and affected by §65, is further amended to read:

40          A. The person violates section 211 and the victim is a family or household member as  
41          defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title  
42          19-A, section 4102, subsection 4. Violation of this paragraph is a Class D crime; or

1           **Sec. 14. 17-A MRSA §211-A, sub-§1, ¶B**, as amended by PL 2021, c. 647, Pt. B,  
2 §30 and affected by §65, is further amended to read:

3           B. The person violates paragraph A and at the time of the offense:

4           (1) Has one or more prior convictions for violating paragraph A or for violating  
5 section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 210-C or one or more prior  
6 convictions for engaging in conduct substantially similar to that contained in  
7 paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 210-C in  
8 another jurisdiction;

9           (2) Has one or more prior convictions for violating Title 19-A, former section  
10 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior  
11 convictions for engaging in conduct substantially similar to that contained in Title  
12 19-A, section 4113, subsection 1 in another jurisdiction;

13           (3) Has one or more prior convictions for violating Title 15, section 1092,  
14 subsection 1, paragraph B when the condition of release violated is specified in  
15 Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when  
16 the alleged victim in the case for which the defendant was on bail was a family or  
17 household member as defined in Title 19-A, section 4102, subsection 6 or a dating  
18 partner as defined in Title 19-A, section 4102, subsection 4; or

19           (4) Has one or more prior convictions for violating section 208, 208-B or 208-C,  
20 and the State had pled and proved that the victim of the applicable prior conviction  
21 was a family or household member, as defined in Title 19-A, section 4102,  
22 subsection 6, or a dating partner, as defined in Title 19-A, section 4102, subsection  
23 4, or has one or more prior convictions in another jurisdiction for engaging in  
24 conduct substantially similar to that contained in section 208, 208-B or 208-C and  
25 it had been pled and proved that the victim was a family or household member or  
26 a dating partner.

27           Violation of this paragraph is a Class C crime.

28           **Sec. 15. 17-A MRSA §1603, sub-§2, ¶C**, as amended by PL 2021, c. 647, Pt. B,  
29 §34 and affected by §65, is further amended to read:

30           C. That the victim is a family or household member as defined in Title 19-A, section  
31 4102, subsection 6, paragraphs A to E or a dating partner as defined in Title 19-A,  
32 section 4102, subsection 4 who is a victim of domestic violence committed by the  
33 convicted individual.

34           **Sec. 16. 17-A MRSA §1804, sub-§3**, as enacted by PL 2019, c. 113, Pt. A, §2, is  
35 amended to read:

36           **3. Exception to limits when victim is family or household member.** If the State  
37 pleads and proves that the person was convicted of committing against a family or  
38 household member or a dating partner a crime under chapter 9 or 13 or section 554 or if  
39 the person was convicted under chapter 11 or 12 or section 556, the period of probation  
40 may not exceed:

41           A. For a Class A crime, 6 years; and

42           B. For a Class B or Class C crime, 4 years.

