

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Protect Families and Enhance Public Safety by Making Domestic Violence a Crime**

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

**Sec. 1. 17-A MRSA §214** is enacted to read:

### **§ 214. Domestic violence**

1. A person is guilty of domestic violence if:

A. The person violates section 207, 209, 210, 210-A or 211 and the victim is a family or household member as defined in Title 19-A, section 4002, subsection 4. Violation of this paragraph is a Class D crime; or

B. The person violates subsection 1 and, at the time of the offense, if:

(1) The person has one or more prior convictions or for engaging in substantially similar conduct in another jurisdiction, where the victim was a family or household member as defined in Title 19-A, section 4002, subsection 4.

(2) Has one or more prior convictions for a violation under title 19-A, section 4011, subsection 1 or for engaging in substantially similar conduct in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or subparagraph (8); or

(4) Has been a defendant against whom a qualifying protective order has been issued within the past 3 years. for the purposes of this paragraph, a "qualifying protective order" means an order issued in the State or another jurisdiction after a full hearing on the merits at which both parties were present and that contains a finding that the defendant abused another person or presents a credible threat to the safety of another person or a minor child. This provision applies regardless of the status of the protective order at the time of the offense.

A violation under this paragraph is a Class C crime.

2. Section 9-A governs the use of prior convictions when determining a sentence.

## **SUMMARY**

This bill creates the Class D crime of domestic violence that includes certain criminal offenses against a person who is a family or household member and an elevated category that is a Class C crime if the person has certain past convictions of a qualifying protection order issued against the person.