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An Act To Require Due Process and To Establish Expiration Dates for Criminal Trespass and Harassment Notices

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

Sec. 1. 17-A MRSA §402, sub-§5 is enacted to read:

5. An order not to enter a property given by a law enforcement officer for a property not owned or occupied by the law enforcement officer expires 2 years after it is issued. A person receiving an order under this subsection for a property that is not solely a residence may request a hearing pursuant to Title 5, section 4654. The court shall hold a hearing requested under this subsection within 21 days of the issuance of the order. If a request for temporary, emergency or interim relief is denied, the hearing must be held as soon as practicable.

Sec. 2. 17-A MRSA §506-A, sub-§4 is enacted to read:

4. An order issued under subsection 1 expires 2 years after it is issued. A person receiving an order under this subsection without prior court approval under subsection 1, paragraph A may request a hearing pursuant to Title 5, section 4654. The court shall hold a hearing requested under this subsection within 21 days of the issuance of the order. If a request for temporary, emergency or interim relief is denied, the hearing must be held as soon as practicable.

SUMMARY

This bill requires that criminal trespass orders and protection from harassment orders issued by law enforcement officers expire 2 years after they are issued and requires a hearing in District Court within 21 days of the issuance of the order, except for a criminal trespass order concerning a residence.