

**§211-A. Domestic violence reckless conduct****(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

1. A person is guilty of domestic violence reckless conduct if:

A. **(TEXT EFFECTIVE UNTIL 1/01/23)** The person violates section 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 [PL 2007, c. 436, §5 (NEW); PL 2007, c. 436, §7 (AFF).]

A. **(TEXT EFFECTIVE 1/01/23)** The person violates section 211 and the victim is a family or household member as defined in Title 19-A, section 4102, subsection 6. Violation of this paragraph is a Class D crime; or [PL 2021, c. 647, Pt. B, §29 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. **(TEXT EFFECTIVE UNTIL 1/01/23)** The person violates paragraph A and at the time of the offense:

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

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

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4002, subsection 4, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime. [PL 2019, c. 412, §6 (AMD).]

B. **(TEXT EFFECTIVE 1/01/23)** The person violates paragraph A and at the time of the offense:

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

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

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

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

Violation of this paragraph is a Class C crime. [PL 2021, c. 647, Pt. B, §30 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

[PL 2019, c. 412, §6 (AMD); PL 2021, c. 647, Pt. B, §§29, 30 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

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

[PL 2007, c. 436, §5 (NEW); PL 2007, c. 436, §7 (AFF).]

#### SECTION HISTORY

PL 2007, c. 436, §5 (NEW). PL 2007, c. 436, §7 (AFF). PL 2011, c. 640, Pt. B, §6 (AMD). PL 2017, c. 432, Pt. D, §5 (AMD). PL 2019, c. 412, §6 (AMD). PL 2021, c. 647, Pt. B, §§29, 30 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF).

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