Title 17-A: MAINE CRIMINAL CODE

Chapter 31: OFFENSES AGAINST PUBLIC ADMINISTRATION

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§751. OBSTRUCTING GOVERNMENT ADMINISTRATION

1. A person is guilty of obstructing government administration if the person intentionally interferes by force, violence or intimidation or by any physical act with a public servant performing or purporting to perform an official function.

[2003, c. 657, §5 (AMD) .]

2. This section does not apply to:

A. Refusal by a person to submit to an arrest or detention; or [1997, c. 351, §2 (AMD).]

B. Escape by a person from official custody, as defined in section 755. [1975, c. 499, §1 (NEW).]

[1997, c. 351, §2 (AMD) .]

3. Obstructing government administration is a Class D crime.

[1975, c. 499, §1 (NEW) .]

SECTION HISTORY
1975, c. 499, §1 (NEW). 1997, c. 351, §2 (AMD). 2003, c. 657, §5 (AMD).

§751-A. REFUSING TO SUBMIT TO ARREST OR DETENTION

(REPEALED)

SECTION HISTORY
1997, c. 351, §3 (NEW). 2001, c. 128, §1 (AMD). 2009, c. 449, §1 (RP).

§751-B. REFUSING TO SUBMIT TO ARREST OR DETENTION

1. A person is guilty of refusing to submit to arrest or detention if, with the intent to hinder, delay or prevent a law enforcement officer from effecting the arrest or detention of that person, the person:

A. Refuses to stop on request or signal of a law enforcement officer. Violation of this paragraph is a Class E crime; [2009, c. 449, §2 (NEW).]

B. Uses physical force against the law enforcement officer. Violation of this paragraph is a Class D crime; or [2009, c. 449, §2 (NEW).]

C. Creates a substantial risk of bodily injury to the law enforcement officer. Violation of this paragraph is a Class D crime. [2009, c. 449, §2 (NEW).]

[2009, c. 449, §2 (NEW) .]

2. It is a defense to prosecution under this section that the person reasonably believed that the person attempting to effect the arrest or detention was not a law enforcement officer. It is a defense to prosecution under subsection 1, paragraph A that the law enforcement officer acted unlawfully in attempting to effect the arrest or detention.

[2009, c. 449, §2 (NEW) .]

SECTION HISTORY
2009, c. 449, §2 (NEW).

§752. ASSAULT ON AN OFFICER

(REPEALED)

SECTION HISTORY
1975, c. 499, §1 (NEW). 1975, c. 740, §§80,81 (AMD). 1977, c. 656, §1 (RP).

§752-A. ASSAULT ON AN OFFICER

1. A person is guilty of assault on an officer if:

A. He intentionally, knowingly or recklessly causes bodily injury to a law enforcement officer while the officer is in the performance of his official duties; or [1977, c. 656, §2 (NEW).]

B. While in custody pursuant to an arrest or pursuant to a court order, the person commits an assault on a corrections officer, corrections supervisor or another member of the staff of an institution while the staff member is performing official duties. As used in this paragraph "assault" means the crime defined in section 207, subsection 1, paragraph A. [2003, c. 205, §4 (AMD).]

[2003, c. 205, §4 (AMD) .]

2.

[1997, c. 67, §1 (RP) .]

3. Assault on an officer is a Class C crime.

[1977, c. 656, §2 (NEW) .]

SECTION HISTORY
1977, c. 656, §2 (NEW). 1983, c. 408, §§1,2 (AMD). 1997, c. 67, §1 (AMD). 2003, c. 205, §4 (AMD).

§752-B. UNLAWFUL INTERFERENCE WITH LAW ENFORCEMENT DOGS

1. A person is guilty of unlawful interference with a law enforcement dog if the person intentionally or knowingly:

A. Kills, mutilates or permanently disables any dog that is in fact certified for law enforcement use and that the person knows or reasonably should have known is used for law enforcement purposes. Violation of this paragraph is a Class C crime; or [2005, c. 69, §1 (AMD).]

B. Torments, beats, strikes, injures, temporarily disables or otherwise mistreats any dog that is in fact certified for law enforcement use and that the person knows or reasonably should have known is used for law enforcement purposes. Violation of this paragraph is a Class D crime. [2005, c. 69, §1 (AMD).]

[2005, c. 69, §1 (AMD) .]

2. For the purposes of this section, a dog is certified for law enforcement use if the State has certified that the dog has satisfactorily completed requisite training for one or more law enforcement purposes.

[1989, c. 446, §2 (NEW) .]

3.

[2001, c. 383, §156 (AFF); 2001, c. 383, §83 (RP) .]

SECTION HISTORY
1989, c. 446, §2 (NEW). 2001, c. 383, §§82,83 (AMD). 2001, c. 383, §156 (AFF). 2005, c. 69, §1 (AMD).

§752-C. ASSAULT ON AN EMERGENCY MEDICAL CARE PROVIDER

1. A person is guilty of assault on an emergency medical care provider if that person intentionally, knowingly or recklessly causes bodily injury to an emergency medical care provider while the emergency medical care provider is providing emergency medical care.

[1997, c. 470, §1 (NEW) .]

2. As used in this section, "emergency medical care provider" includes hospital personnel assisting in an emergency and emergency medical services persons, defined in Title 32, section 83, subsection 12, but does not include a firefighter as defined in section 752-E, subsection 2.

[2015, c. 471, §1 (AMD) .]

3. Assault on an emergency medical care provider is a Class C crime.

[1997, c. 470, §1 (NEW) .]

SECTION HISTORY
1997, c. 470, §1 (NEW). 2015, c. 471, §1 (AMD).

§752-D. UNLAWFUL INTERFERENCE WITH LAW ENFORCEMENT HORSES

1. A person is guilty of unlawful interference with a law enforcement horse if the person intentionally or knowingly:

A. Kills, mutilates or permanently disables a horse that the person knows or reasonably should have known is used for law enforcement purposes. Violation of this paragraph is a Class C crime; or [2001, c. 627, §1 (NEW).]

B. Torments, beats, strikes, injures, temporarily disables or otherwise mistreats a horse that the person knows or reasonably should have known is used for law enforcement purposes. Violation of this paragraph is a Class D crime. [2001, c. 627, §1 (NEW).]

[2001, c. 627, §1 (NEW) .]

SECTION HISTORY
2001, c. 627, §1 (NEW).

§752-E. ASSAULT ON A FIREFIGHTER

1. A person is guilty of assault on a firefighter if that person intentionally, knowingly or recklessly causes bodily injury to a firefighter while the firefighter is providing emergency services.

[2015, c. 471, §2 (NEW) .]

2. As used in this section, "firefighter" means a municipal firefighter or volunteer firefighter as defined in Title 30-A, section 3151, subsections 2 and 4, respectively. As used in this section, "provide emergency services" has the same meaning as in Title 30-A, section 3151, subsection 1-A.

[2015, c. 471, §2 (NEW) .]

3. Assault on a firefighter is a Class C crime.

[2015, c. 471, §2 (NEW) .]

SECTION HISTORY
2015, c. 471, §2 (NEW).

§753. HINDERING APPREHENSION OR PROSECUTION

1.

[2001, c. 383, §156 (AFF); 2001, c. 383, §84 (RP) .]

1-A.

[2001, c. 667, Pt. D, §36 (AFF); 2001, c. 667, Pt. D, §16 (RP) .]

1-B. A person is guilty of hindering apprehension or prosecution if, with the intent to hinder, prevent or delay the discovery, apprehension, prosecution, conviction or punishment of another person for the commission of a crime, the person:

A. Harbors or conceals the other person and:

(1) The actor knew of the conduct of the other person that has in fact resulted in the charge of murder or a Class A crime or that has in fact rendered the other person liable to such a charge. Violation of this subparagraph is a Class B crime;

(2) The conduct of the other person has in fact resulted in the charge of murder or a Class A crime or in fact has rendered the other person liable to such a charge or the other person is charged or is liable to be charged with a Class B crime. Violation of this subparagraph is a Class C crime;

(3) The other person is charged or is liable to be charged with a Class C crime. Violation of this subparagraph is a Class D crime; or

(4) The other person is charged or is liable to be charged with a Class D or Class E crime. Violation of this subparagraph is a Class E crime; [2001, c. 667, Pt. D, §17 (NEW); 2001, c. 667, Pt. D, §36 (AFF).]

B. Provides or aids in providing a dangerous weapon, transportation, disguise or other means of avoiding discovery or apprehension and:

(1) The actor knew of the conduct of the other person that has in fact resulted in the charge of murder or a Class A crime or that has in fact rendered the other person liable to such a charge. Violation of this subparagraph is a Class B crime;

(2) The conduct of the other person has in fact resulted in the charge of murder or a Class A crime or in fact has rendered the other person liable to such a charge or the other person is charged or is liable to be charged with a Class B crime. Violation of this subparagraph is a Class C crime;

(3) The other person is charged or is liable to be charged with a Class C crime. Violation of this subparagraph is a Class D crime; or

(4) The other person is charged or is liable to be charged with a Class D or Class E crime. Violation of this subparagraph is a Class E crime; [2001, c. 667, Pt. D, §17 (NEW).]

C. Conceals, alters or destroys any physical evidence that might aid in the discovery, apprehension or conviction of the other person and:

(1) The actor knew of the conduct of the other person that has in fact resulted in the charge of murder or a Class A crime or that has in fact rendered the other person liable to such a charge. Violation of this subparagraph is a Class B crime;

(2) The conduct of the other person has in fact resulted in the charge of murder or a Class A crime or in fact has rendered the other person liable to such a charge or the other person is charged or is liable to be charged with a Class B crime. Violation of this subparagraph is a Class C crime;

(3) The other person is charged or is liable to be charged with a Class C crime. Violation of this subparagraph is a Class D crime; or

(4) The other person is charged or is liable to be charged with a Class D or Class E crime. Violation of this subparagraph is a Class E crime; [2001, c. 667, Pt. D, §17 (NEW).]

D. Warns the other person of impending discovery or apprehension, except that this paragraph does not apply to a warning given in connection with an effort to bring another person into compliance with the law, and:

(1) The actor knew of the conduct of the other person that has in fact resulted in the charge of murder or a Class A crime or that has in fact rendered the other person liable to such a charge. Violation of this subparagraph is a Class B crime;

(2) The conduct of the other person has in fact resulted in the charge of murder or a Class A crime or in fact has rendered the other person liable to such a charge or the other person is charged or is liable to be charged with a Class B crime. Violation of this subparagraph is a Class C crime;

(3) The other person is charged or is liable to be charged with a Class C crime. Violation of this subparagraph is a Class D crime; or

(4) The other person is charged or is liable to be charged with a Class D or Class E crime. Violation of this subparagraph is a Class E crime; [2001, c. 667, Pt. D, §17 (NEW).]

E. Obstructs by force, intimidation or deception anyone from performing an act that might aid in the discovery, apprehension, prosecution or conviction of the other person and:

(1) The actor knew of the conduct of the other person that has in fact resulted in the charge of murder or a Class A crime or that has in fact rendered the other person liable to such a charge. Violation of this subparagraph is a Class B crime;

(2) The conduct of the other person has in fact resulted in the charge of murder or a Class A crime or in fact has rendered the other person liable to such a charge or the other person is charged or is liable to be charged with a Class B crime. Violation of this subparagraph is a Class C crime;

(3) The other person is charged or is liable to be charged with a Class C crime. Violation of this subparagraph is a Class D crime; or

(4) The other person is charged or is liable to be charged with a Class D or Class E crime. Violation of this subparagraph is a Class E crime; or [2001, c. 667, Pt. D, §17 (NEW).]

F. Aids the other person to safeguard the proceeds of or to profit from such crime and:

(1) The actor knew of the conduct of the other person that has in fact resulted in the charge of murder or a Class A crime or that has in fact rendered the other person liable to such a charge. Violation of this subparagraph is a Class B crime;

(2) The conduct of the other person has in fact resulted in the charge of murder or a Class A crime or in fact has rendered the other person liable to such a charge or the other person is charged or is liable to be charged with a Class B crime. Violation of this subparagraph is a Class C crime;

(3) The other person is charged or is liable to be charged with a Class C crime. Violation of this subparagraph is a Class D crime; or

(4) The other person is charged or is liable to be charged with a Class D or Class E crime. Violation of this subparagraph is a Class E crime. [2001, c. 667, Pt. D, §17 (NEW).]

[2001, c. 667, Pt. D, §17 (NEW); 2001, c. 667, Pt. D, §36 (AFF) .]

1-C. A person is guilty of hindering apprehension or prosecution if the person hinders the apprehension or prosecution of the other person for a violation of administrative release, probation, supervised release for sex offenders or parole by any means described in subsection 1-B, paragraphs A to F with the intent to hinder, prevent or delay discovery, apprehension, prosecution, revocation or punishment for the violation. The sentencing class for hindering apprehension or prosecution of the other person is one class less than the crime for which the other person was originally sentenced, except that if the crime for which the other person was originally sentenced is a Class E crime, hindering apprehension or prosecution is a Class E crime.

[2017, c. 149, §1 (NEW) .]

1-D. A person is guilty of hindering apprehension or prosecution if the person hinders the apprehension or prosecution of the other person for a violation of deferred disposition by any means described in subsection 1-B, paragraphs A to F with the intent to hinder, prevent or delay discovery, apprehension, prosecution, termination of the period of deferment or punishment for the violation or crime to which the other person originally pled guilty. The sentencing class for hindering apprehension or prosecution of the other person is one class less than the crime for which the other person originally pled guilty, except that if the crime to which the other person originally pled guilty is a Class E crime, hindering apprehension or prosecution is a Class E crime.

[2017, c. 149, §1 (NEW) .]

2.

[2001, c. 383, §156 (AFF); 2001, c. 383, §86 (RP) .]

2-A. Hindering apprehension or prosecution when the other person has committed a crime against another jurisdiction is graded as in subsection 1-B. For purposes of this subsection, the classification of the crime of the other jurisdiction is determined according to the formula contained in section 4-A, subsection 3 as if it were a crime of this jurisdiction outside this Code.

[2001, c. 667, Pt. D, §18 (AMD); 2001, c. 667, Pt. D, §36 (AFF) .]

3. As used in subsection 1-B, "crime" includes juvenile offenses. The sentencing class for hindering the apprehension or prosecution of a juvenile is determined in the same manner as if the juvenile were a person 18 years of age or older, provided that if the offense committed by the juvenile would not have been a crime if committed by a person 18 years of age or older, hindering apprehension or prosecution is a Class E crime.

[2001, c. 667, Pt. D, §19 (AMD); 2001, c. 667, Pt. D, §36 (AFF) .]

SECTION HISTORY
1975, c. 499, §1 (NEW). 1977, c. 510, §§60,61 (AMD). 1981, c. 317, §23 (AMD). 2001, c. 383, §§84,88 (AMD). 2001, c. 383, §156 (AFF). 2001, c. 667, §§D16-19 (AMD). 2001, c. 667, §D36 (AFF). 2017, c. 149, §1 (AMD).

§754. OBSTRUCTING CRIMINAL PROSECUTION

1. A person is guilty of obstructing criminal prosecution if:

A. The person uses force, violence or intimidation, or the person promises, offers or gives any pecuniary benefit to another, with the intent to induce the other:

(1) To refrain from initiating a criminal prosecution or juvenile proceeding; or

(2) To refrain from continuing with a criminal prosecution or juvenile proceeding that the other person has initiated; or [2001, c. 383, §89 (AMD); 2001, c. 383, §156 (AFF).]

B. The person solicits, accepts or agrees to accept any pecuniary benefit in consideration of doing any of the things specified in this subsection. [2001, c. 383, §89 (AMD); 2001, c. 383, §156 (AFF).]

[2001, c. 383, §89 (AMD); 2001, c. 383, §156 (AFF) .]

2. This section does not apply to conduct authorized by Title 15, section 891.

[2001, c. 383, §89 (AMD); 2001, c. 383, §156 (AFF) .]

3. It is an affirmative defense to prosecution under this section that:

A. The charge in fact made or liable to be made was for a Class D or Class E crime or a comparable juvenile offense; and [1977, c. 510, §62 (RPR).]

B. The pecuniary benefit did not exceed an amount which the actor believed to be due as restitution or indemnification for harm caused by the offense. [1977, c. 510, §62 (RPR).]

[1977, c. 510, §62 (RPR) .]

4. Obstructing criminal prosecution is a Class C crime.

[1977, c. 510, §62 (NEW) .]

SECTION HISTORY
1975, c. 499, §1 (NEW). 1977, c. 510, §62 (RPR). 2001, c. 383, §89 (AMD). 2001, c. 383, §156 (AFF).

§755. ESCAPE

1. A person is guilty of escape if without official permission the person intentionally:

A. Leaves official custody or intentionally fails to return to official custody following temporary leave granted for a specific purpose or a limited period. Violation of this paragraph is a Class C crime; or [2001, c. 383, §90 (NEW); 2001, c. 383, §156 (AFF).]

B. Violates paragraph A and at the time of the escape the person uses physical force against another person, threatens to use physical force or is armed with a dangerous weapon. Violation of this paragraph is a Class B crime. [2001, c. 383, §90 (NEW); 2001, c. 383, §156 (AFF).]

[2001, c. 383, §156 (AFF); 2001, c. 383, §90 (RPR) .]

1-A.

[2013, c. 133, §6 (RP) .]

1-B. A person is guilty of escape from supervised community confinement granted pursuant to Title 34-A, section 3036-A if without official permission the person intentionally:

A. Fails to return to the correctional facility from which transfer was made upon the direction of the Commissioner of Corrections or otherwise intentionally violates a curfew, residence, time or travel restriction. Violation of this paragraph is a Class C crime; or [2003, c. 711, Pt. A, §6 (AMD).]

B. Violates paragraph A and at the time of the escape the person uses physical force against another person, threatens to use physical force or is armed with a dangerous weapon. Violation of this paragraph is a Class B crime. [2001, c. 383, §92 (NEW); 2001, c. 383, §156 (AFF).]

[2003, c. 711, Pt. A, §6 (AMD) .]

1-C. A person is guilty of escape from furlough or other rehabilitative program authorized under Title 34-A, section 3035 if the person intentionally:

A. Goes to a location other than that permitted by the terms of the leave. Violation of this paragraph is a Class D crime; or [2001, c. 383, §93 (NEW); 2001, c. 383, §156 (AFF).]

B. Violates paragraph A and at the time of the escape the person uses physical force against another person, threatens to use physical force or is armed with a dangerous weapon. Violation of this paragraph is a Class B crime. [2001, c. 383, §93 (NEW); 2001, c. 383, §156 (AFF).]

[2001, c. 383, §156 (AFF); 2001, c. 383, §93 (RPR) .]

1-D. A person is guilty of escape from arrest or escape during transport following arrest if without official permission the arrested person intentionally:

A. Leaves following arrest prior to being transported, or while being transported to a jail, police station or other initial place of detention or to a courthouse when a court has ordered that the person be arrested and transported directly to court. Violation of this paragraph is a Class D crime; or [2005, c. 63, §1 (AMD).]

B. Violates paragraph A and at the time of the escape the person uses physical force against another person, threatens to use physical force or is armed with a dangerous weapon. Violation of this paragraph is a Class B crime. [2001, c. 667, Pt. D, §20 (NEW); 2001, c. 667, Pt. D, §36 (AFF).]

[2005, c. 63, §1 (AMD) .]

1-E. A person is guilty of escape from the community confinement monitoring program granted pursuant to Title 30-A, section 1659-A if without official permission the person intentionally:

A. Leaves or fails to return within 12 hours to that person's residence or other designated area in which that person is monitored. Violation of this paragraph is a Class C crime; or [2011, c. 464, §15 (NEW).]

B. Violates paragraph A and at the time of the escape the person uses physical force against another person, threatens to use physical force or is armed with a dangerous weapon. Violation of this paragraph is a Class B crime. [2011, c. 464, §15 (NEW).]

A sentence imposed for a violation of this section is subject to the requirements of section 1256, subsection 1.

[2011, c. 464, §15 (NEW) .]

2. In the case of escape from arrest, it is a defense that the arresting officer acted unlawfully in making the arrest. In all other cases, it is no defense that grounds existed for release from custody that could have been raised in a legal proceeding.

[1975, c. 499, §1 (NEW) .]

3. As used in this section, "official custody" means arrest, custody in, or on the way to or from a courthouse or a jail, police station, house of correction, or any institution or facility under the control of the Department of Corrections, or under contract with the department for the housing of persons sentenced to imprisonment, the custody of any official of the department, the custody of any institution in another jurisdiction pursuant to a sentence imposed under the authority of section 1253, subsection 1-A or any custody pursuant to court order. A person on a parole or probation status is not, for that reason alone, in "official custody" for purposes of this section.

[1985, c. 210, (AMD) .]

3-A. The following provisions govern prosecution for escape.

A. Prosecution for escape or attempted escape from any institution included in subsection 3 must be in the county in which the institution is located. [2001, c. 383, §95 (NEW); 2001, c. 383, §156 (AFF).]

B. Prosecution for escape or attempted escape of a person who has been transferred from one institution to another must be in the county in which the institution the person was either transferred from or transferred to is located. [2001, c. 383, §95 (NEW); 2001, c. 383, §156 (AFF).]

C. Prosecution for an escape or attempted escape for failure to return to official custody following temporary leave granted for a specific purpose or a limited period must be in the county in which the institution from which the leave was granted is located or in any county to which leave was granted. [2001, c. 383, §95 (NEW); 2001, c. 383, §156 (AFF).]

D. [2013, c. 133, §7 (RP).]

E. Prosecution for escape or attempted escape from supervised community confinement must be in the county in which the institution from which the transfer to supervised community confinement was granted is located or in any county to which the transfer to supervised community confinement was granted. [2001, c. 383, §95 (NEW); 2001, c. 383, §156 (AFF).]

F. Prosecution for escape or attempted escape from the community confinement monitoring program must be in the county in which the institution from which the transfer to the community confinement monitoring program was granted is located or in any county to which the transfer to the community confinement monitoring program was granted. [2011, c. 464, §16 (NEW).]

Notwithstanding other provisions of this section, in all cases of escape, prosecution may be in the county or division in which the person who has escaped was apprehended.

[2013, c. 133, §7 (AMD) .]

4.

[2001, c. 383, §156 (AFF); 2001, c. 383, §96 (RP) .]

SECTION HISTORY
1975, c. 499, §1 (NEW). 1975, c. 740, §§82,83 (AMD). 1977, c. 510, §§63,64 (AMD). 1979, c. 701, §§24-26 (AMD). 1981, c. 493, §3 (AMD). 1985, c. 210, (AMD). 1985, c. 821, §§1,2 (AMD). 1991, c. 845, §§1,2 (AMD). 1993, c. 440, §§1,2 (AMD). 2001, c. 383, §§90-96 (AMD). 2001, c. 383, §156 (AFF). 2001, c. 667, §D20 (AMD). 2001, c. 667, §D36 (AFF). 2003, c. 711, §§A5,6 (AMD). 2005, c. 63, §1 (AMD). 2011, c. 464, §§15, 16 (AMD). 2013, c. 133, §§6, 7 (AMD).

§756. AIDING ESCAPE

1. A person is guilty of aiding escape if, with the intent to aid another person to violate section 755:

A. The person conveys or attempts to convey to the other person any tool or other thing that may be used to facilitate a violation of section 755. Violation of this paragraph is a Class C crime; [2009, c. 608, §5 (AMD).]

A-1. The person conveys or attempts to convey to the other person a dangerous weapon. Violation of this paragraph is a Class B crime; [2009, c. 608, §5 (AMD).]

B. The person furnishes plans, information or other assistance to the other person. Violation of this paragraph is a Class C crime; or [2009, c. 608, §5 (AMD).]

C. The person whose official duties include maintaining persons in official custody, as defined in section 755, subsection 3, permits such violation or an attempt at such violation. Violation of this paragraph is a Class C crime. [2009, c. 608, §5 (AMD).]

[2009, c. 608, §5 (AMD) .]

2.

[2009, c. 608, §5 (RP) .]

3.

[2001, c. 383, §156 (AFF); 2001, c. 383, §98 (RP) .]

4. A person may not be indicted or charged in an information with both a violation of this section and as an accomplice to a violation of section 755.

[1975, c. 499, §1 (NEW) .]

SECTION HISTORY
1975, c. 499, §1 (NEW). 1975, c. 740, §84 (AMD). 1989, c. 706, §1 (AMD). 2001, c. 383, §§97,98 (AMD). 2001, c. 383, §156 (AFF). 2009, c. 142, §4 (AMD). 2009, c. 608, §5 (AMD).

§757. TRAFFICKING IN PRISON CONTRABAND

1. A person is guilty of trafficking in prison contraband if:

A. That person intentionally conveys or attempts to convey contraband to any person in official custody; or [1989, c. 706, §2 (AMD).]

B. Being a person in official custody, the person intentionally makes, obtains or possesses contraband. [2013, c. 266, §7 (AMD).]

[2013, c. 266, §7 (AMD) .]

2. As used in this section, "official custody" has the same meaning as in section 755. As used in this section, "contraband" means a dangerous weapon, any tool or other item that may be used to facilitate a violation of section 755 or anything that a person confined in official custody is prohibited by statute from making, possessing or trafficking in or a scheduled drug as defined in section 1101, subsection 11, unless the drug was validly prescribed to the person in official custody and was approved for use by the person pursuant to the procedures of the custodial agency.

[2011, c. 464, §17 (AMD) .]

3. Trafficking in prison contraband is a Class C crime.

[1975, c. 499, §1 (NEW) .]

SECTION HISTORY
1975, c. 499, §1 (NEW). 1975, c. 740, §85 (AMD). 1977, c. 510, §65 (AMD). 1989, c. 706, §2 (AMD). 2009, c. 608, §6 (AMD). 2011, c. 464, §17 (AMD). 2013, c. 266, §7 (AMD).

§757-A. TRAFFICKING OF TOBACCO IN ADULT CORRECTIONAL FACILITIES

1. A person is guilty of trafficking tobacco in an adult correctional facility if:

A. That person intentionally conveys or attempts to convey tobacco or tobacco products to a person confined in an adult correctional facility that has banned the use of tobacco or tobacco products by prisoners; or [2001, c. 386, §2 (NEW).]

B. That person is confined in an adult correctional facility that has banned the use of tobacco or tobacco products by prisoners and the person intentionally obtains or possesses tobacco or tobacco products. [2001, c. 386, §2 (NEW).]

[2001, c. 386, §2 (NEW) .]

2. As used in this section, "adult correctional facility" means a county jail or correctional facility other than a juvenile facility under the control of the Department of Corrections.

[2001, c. 386, §2 (NEW) .]

3. Trafficking of tobacco in an adult correctional facility is a Class E crime.

[2001, c. 386, §2 (NEW) .]

SECTION HISTORY
2001, c. 386, §2 (NEW).

§757-B. TRAFFICKING OF ALCOHOLIC BEVERAGES IN ADULT CORRECTIONAL FACILITIES

1. A person is guilty of trafficking of an alcoholic beverage in an adult correctional facility if:

A. That person intentionally conveys or attempts to convey an alcoholic beverage to a person confined in an adult correctional facility; or [2005, c. 329, §2 (NEW).]

B. That person is confined in an adult correctional facility and the person intentionally makes, obtains or possesses an alcoholic beverage. [2005, c. 329, §2 (NEW).]

[2005, c. 329, §2 (NEW) .]

2. As used in this section, "adult correctional facility" means a county jail or correctional facility other than a juvenile facility under the control of the Department of Corrections.

[2005, c. 329, §2 (NEW) .]

3. Trafficking of an alcoholic beverage in an adult correctional facility is a Class E crime.

[2005, c. 329, §2 (NEW) .]

SECTION HISTORY
2005, c. 329, §2 (NEW).

§757-C. TRAFFICKING IN CONTRABAND IN A STATE HOSPITAL

1. A person is guilty of trafficking in contraband in a state hospital if:

A. That person intentionally conveys or attempts to convey a dangerous weapon to any patient at a state hospital. Violation of this paragraph is a Class C crime; [2013, c. 191, §1 (NEW).]

B. That person intentionally conveys or attempts to convey contraband other than a dangerous weapon to any patient at a state hospital. Violation of this paragraph is a Class D crime; or [2013, c. 191, §1 (NEW).]

C. Being a patient at a state hospital, that person intentionally makes, obtains or possesses contraband. Violation of this paragraph is a Class D crime. [2013, c. 191, §1 (NEW).]

[2013, c. 191, §1 (NEW) .]

2. As used in this section, "contraband" means any tool or other item that may be used to facilitate a violation of section 755, a dangerous weapon or a scheduled drug as defined in section 1101, subsection 11, unless, in the case of a patient at a state hospital, the drug was validly prescribed to the patient and was approved for use by that patient pursuant to the procedures of the state hospital. As used in this section, "state hospital" means the Riverview Psychiatric Center or the Dorothea Dix Psychiatric Center.

[2013, c. 191, §1 (NEW) .]

SECTION HISTORY
2013, c. 191, §1 (NEW).

§758. OBSTRUCTING REPORT OF CRIME OR INJURY

1. A person is guilty of obstructing the report of a crime or injury if that person intentionally, knowingly or recklessly disconnects, damages, disables, removes or uses physical force or intimidation to block access to a telephone, radio or other electronic communication device with the intent to obstruct, prevent or interfere with another person's:

A. Report to a law enforcement agency; or [1999, c. 644, §2 (NEW).]

B. Request for an ambulance or emergency medical assistance to a governmental agency, hospital, physician or other medical service provider. [1999, c. 644, §2 (NEW).]

[1999, c. 644, §2 (NEW) .]

2. It is an affirmative defense to prosecution under this section that the actor reasonably believed that the actor's conduct was necessary to prevent a false public alarm or report as described in section 509.

[1999, c. 644, §2 (NEW) .]

3. Obstructing report of crime or injury is a Class D crime.

[1999, c. 644, §2 (NEW) .]

SECTION HISTORY
1999, c. 644, §2 (NEW).

§759. VIOLATION OF INTERSTATE COMPACT FOR ADULT SUPERVISION

1. A person is guilty of violating an interstate compact for adult offender supervision if that person, after being convicted and sentenced for a crime in a state that is a member of an interstate compact for adult offender supervision and subsequently released on probation or parole, resides in this State without complying with the requirements of the interstate compact as enacted by the sentencing state.

[2003, c. 706, Pt. B, §1 (NEW) .]

2. Violation of an interstate compact for adult offender supervision is a Class D crime.

[2003, c. 706, Pt. B, §1 (NEW) .]

SECTION HISTORY
2003, c. 706, §B1 (NEW).

§760. FAILURE TO REPORT SEXUAL ASSAULT OF PERSON IN CUSTODY

1. A person is guilty of failure to report a sexual assault of a person in custody if that person is a member of the staff of a hospital, prison or other institution and that staff person knows that a person detained in that institution is the victim of a crime of sexual assault that occurred while the detained person was in the institution and, in fact, that staff person does not report that crime to an appropriate criminal justice agency.

[2005, c. 527, §7 (AMD) .]

2. For purposes of this section, "sexual assault" means a crime under chapter 11.

[2005, c. 329, §3 (NEW) .]

2-A. It is an affirmative defense to prosecution under this section that the defendant knew that the crime of sexual assault had already been reported to an appropriate criminal justice agency by another mandated reporter.

[2005, c. 527, §8 (NEW) .]

3. Failure to report a sexual assault of a person in custody is a Class E crime.

[2005, c. 329, §3 (NEW) .]

SECTION HISTORY
2005, c. 329, §3 (NEW). 2005, c. 527, §§7,8 (AMD).

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