

§7. Territorial applicability

1. Except as otherwise provided in this section, a person may be convicted under the laws of this State for any crime committed by the person's own conduct or by the conduct of another for which the person is legally accountable only if:

A. Either the conduct that is an element of the crime or the result that is such an element occurs within this State or has a territorial relationship to this State; [PL 2007, c. 173, §4 (AMD).]

B. Conduct occurring outside this State constitutes an attempt to commit a crime under the laws of this State and the intent is that the crime take place within this State; [PL 1975, c. 499, §1 (NEW).]

C. Conduct occurring outside this State would constitute a criminal conspiracy under the laws of this State, an overt act in furtherance of the conspiracy occurs within this State or has a territorial relationship to this State, and the object of the conspiracy is that a crime take place within this State; [PL 1979, c. 512, §16 (AMD).]

D. Conduct occurring within this State or having a territorial relationship to this State would constitute complicity in the commission of, or an attempt, solicitation or conspiracy to commit an offense in another jurisdiction that is also a crime under the law of this State; [PL 2007, c. 173, §4 (AMD).]

E. The crime consists of the omission to perform a duty imposed on a person by the law of this State, regardless of where that person is when the omission occurs; [PL 2007, c. 173, §4 (AMD).]

F. The crime is based on a statute of this State that expressly prohibits conduct outside the State, when the person knows or should know that the person's conduct affects an interest of the State protected by that statute; or [PL 2007, c. 173, §4 (AMD).]

G. Jurisdiction is otherwise provided by law. [PL 1975, c. 499, §1 (NEW).]
[PL 2007, c. 173, §4 (AMD).]

2. Subsection 1, paragraph A does not apply if:

A. Causing a particular result or danger of causing that result is an element and the result occurs or is designed or likely to occur only in another jurisdiction where the conduct charged would not constitute an offense; or [PL 1975, c. 499, §1 (NEW).]

B. Causing a particular result is an element of the crime and the result is caused by conduct occurring outside the State which would not constitute an offense if the result had occurred there.
[PL 1975, c. 499, §1 (NEW).]

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3. When the crime is homicide, a person may be convicted under the laws of this State if either the death of the victim or the bodily impact causing death occurred within the State or had a territorial relationship to the State. Proof that the body of a homicide victim is found within this State gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that such death or impact occurred within the State. When the crime is theft, a person may be convicted under the laws of this State if that person obtained property of another, as defined in chapter 15, section 352, outside of this State and brought the property into the State.

[PL 2001, c. 383, §2 (AMD); PL 2001, c. 383, §156 (AFF).]

4. Conduct or a result has a territorial relationship to this State if it is not possible to determine beyond a reasonable doubt that it occurred inside or outside of this State, because a boundary cannot be precisely located or the location of any person cannot be precisely established in relation to a boundary, and if the court determines that this State has a substantial interest in prohibiting the conduct

or result. In determining whether this State has a substantial interest, the court shall consider the following factors:

- A. The relationship to this State of the actor or actors and of persons affected by the conduct or result, whether as citizens, residents or visitors; [PL 1979, c. 512, §19 (NEW).]
- B. The location of the actor or actors and persons affected by the conduct or result prior to and after the conduct or result; [PL 1979, c. 512, §19 (NEW).]
- C. The place in which other crimes, if any, in the same criminal episode were committed; and [PL 1981, c. 470, Pt. A, §36 (AMD).]
- D. The place in which the intent to commit the crime was formed. [PL 1979, c. 512, §19 (NEW).] [PL 1981, c. 470, Pt. A, §36 (AMD).]
- 5. The existence of territorial jurisdiction must be proved beyond a reasonable doubt. [PL 1981, c. 324, §10 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1979, c. 512, §§15-19 (AMD). PL 1981, c. 324, §10 (AMD). PL 1981, c. 470, §A36 (AMD). PL 2001, c. 383, §2 (AMD). PL 2001, c. 383, §156 (AFF). PL 2007, c. 173, §4 (AMD).

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