

§4113. Violation

1. Crime committed. Except as provided in subsections 2, 4 and 5, violation of an order is a Class D crime when the defendant has prior actual notice, which may be notice by means other than service in hand, of the order.

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. Exception. When the only provision of the order that is violated concerns relief authorized under section 4110, subsection 3, paragraphs K to U, the violation must be treated as contempt and punished in accordance with law.

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

3. Warrantless arrest. Notwithstanding any provision of law to the contrary, an arrest for criminal violation of an order may be without warrant upon probable cause whether or not the violation is committed in the presence of a law enforcement officer. The law enforcement officer may verify, if necessary, the existence of the order, including by telephone or radio communication with a law enforcement agency with knowledge of the order.

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

4. Reckless conduct; assault. A defendant who violates a final protection order issued pursuant to section 4110, an order issued pursuant to former section 4007 or an order that is similar to a protective order pursuant to section 4110 issued by a court of the United States or of another state, territory, commonwealth or federally recognized Indian tribe through conduct that is reckless and that creates a substantial risk of death or serious bodily injury to the plaintiff named in the final protection order or who assaults the plaintiff named in the final protection order commits a Class C crime.

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

5. Repeat violations. A person who commits a violation under subsection 1 and has 2 or more prior convictions under subsection 1 or former section 4011, subsection 1 or 2 or more convictions for engaging in substantially similar conduct in another jurisdiction commits a Class C crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF).

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