

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Strengthen Protection from Abuse Laws**

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

**Sec. 1. 19-A MRSA §4011, sub-§§5 and 6** are enacted to read:

**5. Mandatory minimum sentences.** The court shall impose a term of imprisonment for a person who violates a protective order or agreement as provided in subsection 1 as follows.

A. For a first conviction of a violation under subsection 1, the court shall impose a definite term of imprisonment of not less than 30 days.

B. If a person has one prior conviction of a violation under subsection 1, the court shall impose a definite term of imprisonment of not less than 90 days.

C. If a person has 2 or more prior convictions of a violation under subsection 1, the court shall impose a definite term of imprisonment of not less than 365 days.

Title 17-A, section 9-A governs the use of prior convictions when determining a sentence, except that, for purposes of this subsection, the date of each prior conviction may precede the commission of the offense being enhanced by more than 10 years.

**6. Mandatory minimum sentences for reckless conduct or assault.** The court shall impose a term of imprisonment for a person who commits a violation under subsection 4 as follows.

A. For a first conviction of a violation under subsection 4, the court shall impose a definite term of imprisonment of not less than 2 years.

B. If a person has one prior conviction of a violation under subsection 4, the court shall impose a definite term of imprisonment of not less than 3 years.

C. If a person has 2 or more prior convictions of a violation under subsection 4, the court shall impose a definite term of imprisonment of not less than 4 years.

Title 17-A, section 9-A governs the use of prior convictions when determining a sentence, except that, for purposes of this subsection, the date of each prior conviction may precede the commission of the offense being enhanced by more than 10 years.

**Sec. 2. 19-A MRSA §4015** is enacted to read:

**§ 4015. False claim**

**1. Crime.** A person who knowingly makes a false claim of abuse or neglect or abandonment, as defined in Title 22, section 4002, subsections 1 and 1-A; sexual exploitation of a minor, as set out in Title 17-A, section 282; aggravated sex trafficking as set out in Title 17-A, section 852; sex trafficking as set out in Title 17-A, section 853; or patronizing prostitution of a minor or person with a mental disability as set out in Title 17-A, section 855, subsections 1 and 3 in any proceeding conducted under this chapter is guilty of the crime of false claim if the false claim was made in order to gain an advantage in divorce proceedings.

**2. Penalty.** False claim is a Class C crime.

## SUMMARY

This bill requires a court to sentence a person convicted of violating a protective order or court-approved consent agreement, currently a Class D crime, to a minimum term of imprisonment of 30 days. Subsequent convictions of violating a protective order or court-approved consent agreement are subject to enhanced minimum sentences.

This bill also requires a court to sentence a person convicted of violating a protective order through conduct that is reckless and that creates a substantial risk of death or serious bodily injury to the plaintiff named in the protective order or who assaults the plaintiff named in the protective order, currently a Class C crime, to a minimum term of imprisonment of 2 years; subsequent convictions are subject to enhanced minimum sentences.

This bill also creates the Class C crime of false claim, which occurs when a person during a proceeding for a protection from abuse petition makes a false claim of abuse or neglect or abandonment of a child or alleges sexual exploitation of a minor, sex trafficking, aggravated sex trafficking or patronizing prostitution of a minor or person with a mental disability and that claim or allegation is made for the purpose of gaining an advantage in a divorce proceeding.