

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 the Laws Prohibiting Stalking**

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

**Sec. 1. 17-A MRSA §210-A, sub-§1, ¶A**, as amended by PL 2007, c. 685, §1, is further amended to read:

A. The actor intentionally or knowingly engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person:

- (1) To suffer serious inconvenience or emotional distress;
- (2) To fear bodily injury or to fear bodily injury to a close relation;
- (3) To fear death or to fear the death of a close relation;
- (4) To fear damage or destruction to or tampering with property; or
- (5) To fear injury to or the death of an animal owned by or in the possession and control of that specific person.

Violation of this paragraph is a Class D crime; or

**Sec. 2. 17-A MRSA §210-A, sub-§1, ¶C**, as amended by PL 2009, c. 336, §11, is further amended to read:

C. The actor violates paragraph A and has 2 or more prior convictions in this State or another jurisdiction. Notwithstanding section 2, subsection 3-B, as used in this paragraph, "another jurisdiction" also includes any Indian tribe.

Violation of this paragraph is a Class C crime, with a minimum term of imprisonment of one year, which may not be suspended.

For the purposes of this paragraph, "prior conviction" means a conviction for a violation of this section; Title 5, section 4659; Title 15, section 321; former Title 19, section 769; Title 19-A, section 4011; Title 22, section 4036; any other temporary, emergency, interim or final protective order; an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation; any similar order issued

by any court of the United States or of any other state, territory, commonwealth or tribe; or a court-approved consent agreement. Section 9-A governs the use of prior convictions when determining a sentence-;

**Sec. 3. 17-A MRSA §210-A, sub-§1, ¶¶D and E** are enacted to read:

D. The actor violates paragraph A and the course of conduct is directed at or concerning 2 or more specific persons that are members of an identifiable group.

Violation of this paragraph is a Class C crime; or

E. The actor violates paragraph C and at least one prior conviction was for a violation of paragraph D.

Violation of this paragraph is a Class B crime, with a minimum term of imprisonment of 2 years, which may not be suspended.

## SUMMARY

This bill expands the crime of stalking to include conduct directed at or concerning a group of persons. This new classification of stalking is a Class C crime, as opposed to a Class D crime for stalking a single individual. This bill also changes the escalation of criminal penalties for subsequent convictions of stalking, with one prior conviction for stalking or violation of a protective order sufficient to enhance penalties, as opposed to the current 2 prior convictions. Subsequent convictions are still a Class C crime, but the bill adds a mandatory minimum sentence of one year. Prior conviction of stalking a group of persons escalates the penalty to that for a Class B crime, with a mandatory minimum sentence of 2 years.