

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 Protect Victims of Sexual Assault**

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

**Sec. 1. 19-A MRSA §4005, sub-§1-A** is enacted to read:

**1-A. Alternative filing for sexual assault victims.** An adult who has been a victim of conduct described as sexual assault in Title 17-A, chapter 11, whether or not the conduct was perpetrated by a family or household member or dating partner, may seek relief by filing a complaint alleging that conduct without regard to whether criminal prosecution has occurred. When a minor child has been a victim of such conduct, the child's parent, other person responsible for the child or a representative of the department may seek relief by filing a petition alleging that conduct.

**Sec. 2. 19-A MRSA §4007, sub-§1, ¶D-1** is enacted to read:

**D-1.** For a petition filed pursuant to section 4005, subsection 1-A, directing the defendant to refrain from knowingly coming within or knowingly remaining within a specified distance of a specified location;

**Sec. 3. 19-A MRSA §4007, sub-§2,** as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**2. Duration.** —A Except as provided in subsection 2-A, a protective order or approved consent agreement is for a fixed period not to exceed 2 years. At the expiration of that time, the court may extend an order, upon motion of the plaintiff, for such additional time as it determines necessary to protect the plaintiff or minor child from abuse. The court may continue the order in effect until the hearing under section 4006, subsection 1 on the motion to extend. Upon motion by either party, for sufficient cause, the court may modify the order or agreement from time to time as circumstances require.

**Sec. 4. 19-A MRSA §4007, sub-§2-A** is enacted to read:

**2-A. Extended duration.** A protective order or approved consent agreement entered for a proceeding commenced under section 4005, subsection 1-A is for a fixed period of time or may be permanent. At the expiration of a fixed period of time if ordered, the court may extend an order, upon motion of the plaintiff, for such additional time as it determines necessary to protect the plaintiff or minor child from abuse. The court may continue the order in effect until the hearing under section 4006, subsection 1 on the motion to extend. Upon motion by either party for sufficient cause, the court may modify any order or agreement from time to time as circumstances require.

## **SUMMARY**

Current law allows a person who is a victim of a sexual assault described in the Maine Revised Statutes, Title 17-A, chapter 11 to file a petition for a protection order, whether or not the person who

committed the assault is a family or household member or dating partner; the duration of the protection order may be for a fixed period not to exceed 2 years. This bill expands the possible duration of a protection order for victims of sexual assault. The bill provides a victim of a sexual assault described in Title 17-A, chapter 11 the opportunity to petition for an order that is a fixed period of time that may be longer than 2 years, including an order that may be permanent. The bill also adds to the kinds of relief that a court may order for a sexual assault victim the requirement that the defendant refrain from knowingly coming within or knowingly remaining within a specified distance of a specified location.