



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

---

Legislative Document

No. 431

S.P. 160

In Senate, February 24, 2015

### An Act To Strengthen the Laws Prohibiting Stalking

---

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator BURNS of Washington.  
Cosponsored by Representative TIMMONS of Cumberland and  
Senators: COLLINS of York, CYRWAY of Kennebec, DAVIS of Piscataquis, HAMPER of  
Oxford, WHITTEMORE of Somerset, Representatives: LOCKMAN of Amherst, LONG of  
Sherman, NADEAU of Winslow.

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

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

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

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

12 Violation of this paragraph is a Class D crime; ~~or~~

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

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

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

20 For the purposes of this paragraph, "prior conviction" means a conviction for a  
21 violation of this section; Title 5, section 4659; Title 15, section 321; former Title 19,  
22 section 769; Title 19-A, section 4011; Title 22, section 4036; any other temporary,  
23 emergency, interim or final protective order; an order of a tribal court of the  
24 Passamaquoddy Tribe or the Penobscot Nation; any similar order issued by any court  
25 of the United States or of any other state, territory, commonwealth or tribe; or a  
26 court-approved consent agreement. Section 9-A governs the use of prior convictions  
27 when determining a sentence;

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

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

31 Violation of this paragraph is a Class C crime; or

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

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

**SUMMARY**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

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.