



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 700

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S.P. 213

In Senate, February 11, 2019

### An Act To Prevent Internet Theft

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BELLOWS of Kennebec.  
Cosponsored by Representative HANLEY of Pittston and  
Senators: CYRWAY of Kennebec, DESCHAMBAULT of York, MIRAMANT of Knox,  
ROSEN of Hancock, Representatives: HANDY of Lewiston, LANDRY of Farmington,  
MAXMIN of Nobleboro.

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

2 **Sec. 1. 17-A MRSA §364** is enacted to read:

3 **§364. Organized electronic theft**

4 **1.** A person is guilty of organized electronic theft if:

5 A. The person commits 2 or more thefts under this chapter, as either a principal or an  
6 accomplice, pursuant to a scheme or course of conduct involving thefts committed by  
7 electronic means. Violation of this paragraph is a Class E crime; or

8 B. The person violates paragraph A and:

9 (1) The total value of the property is more than \$5,000. Violation of this  
10 subparagraph is a Class B crime;

11 (2) The total value of the property is more than \$1,000 but not more than \$5,000.  
12 Violation of this subparagraph is a Class C crime;

13 (3) The total value of the property is more than \$500 but not more than \$1,000.  
14 Violation of this subparagraph is a Class D crime; or

15 (4) The person has 2 or more prior convictions for any combination of the Maine  
16 offenses listed in this subparagraph or for engaging in substantially similar  
17 conduct to that of the Maine offenses listed in this subparagraph in another  
18 jurisdiction. The Maine offenses are: theft; any violation of section 401 in which  
19 the crime intended to be committed inside the structure is theft; any violation of  
20 section 405 in which the crime intended to be committed inside the motor vehicle  
21 is theft; any violation of section 651; any violation of section 702, 703 or 708; or  
22 attempts to commit any of these crimes. Section 9-A governs the use of prior  
23 convictions when determining a sentence. Violation of this subparagraph is a  
24 Class C crime.

25 **2.** The crime of organized electronic theft may be prosecuted and punished in:

26 A. The county in which the defendant was located when the defendant electronically  
27 initiated or administered the scheme or course of conduct or accessed property that  
28 the defendant obtained or exercised control over through the scheme or course of  
29 conduct; or

30 B. The county in which a victim of the crime is a resident or the county in which a  
31 victim of the crime maintains a place of business at the time the defendant accessed  
32 the victim's property that the defendant had obtained or exercised control over  
33 through the scheme or course of conduct.

34 **3.** In addition to the State's having jurisdiction pursuant to section 7 to convict a  
35 person under this section, the State has jurisdiction to convict a person under this section  
36 when that person is physically located outside of the State and the prohibited conduct:

37 A. Occurs outside of the State and a victim of the crime is a resident of the State or  
38 maintains a place of business in the State at the time of the crime; and

