§19-A. Election to charge Class E crime as civil violation

1. For purposes of this section, "eligible Class E crime" means any Class E crime, except a Class E crime:

A. In Title 21-A; or [PL 2025, c. 496, §1 (NEW); PL 2025, c. 496, §3 (AFF).]

B. For which the defendant, if convicted, would be eligible for probation or subject to a mandatory driver's license suspension. [PL 2025, c. 496, §1 (NEW); PL 2025, c. 496, §3 (AFF).]

[PL 2025, c. 496, §1 (NEW); PL 2025, c. 496, §3 (AFF).]

2. The attorney for the State may elect to charge a defendant alleged to have committed an eligible Class E crime with a civil violation instead of the eligible Class E crime unless the defendant was arrested and objects to the substitution of a civil violation charge. In deciding whether to make this election, the attorney for the State shall consider the severity of the defendant's conduct, the impact of the conduct on the victim, any prior convictions or adjudications entered against the defendant and any other factor relevant to whether a criminal or civil sanction will best accomplish the purposes of the general sentencing provisions in that particular case.

[PL 2025, c. 496, §1 (NEW); PL 2025, c. 496, §3 (AFF).]

3. The determination by the attorney for the State under this section is not subject to judicial review. For a person who is charged with and adjudicated as having committed a civil violation under this section, a penalty of not more than $1,000 may be adjudged. The court shall inform the Secretary of State of any Class E crime under Title 29-A, including the relevant statutory section, that was reduced to a civil violation when a person is adjudicated of a civil violation under this section.

[PL 2025, c. 496, §1 (NEW); PL 2025, c. 496, §3 (AFF).]

4. If the attorney for the State elects to charge a defendant with a civil violation instead of a Class E crime under Title 29-A and the defendant is adjudicated as having committed the civil violation, the court shall include in the abstract transmitted pursuant to Title 29-A, section 2607 information on the Class E crime, including the statutory citation, that the attorney for the State elected not to charge.

[PL 2025, c. 496, §1 (NEW); PL 2025, c. 496, §3 (AFF).]

SECTION HISTORY

PL 2025, c. 496, §1 (NEW). PL 2025, c. 496, §3 (AFF).

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