

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 579 - L.D. 1461

An Act to Prevent Dating Partner Abuse by Including Dating Partners in the Scope of Domestic Violence Crimes

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

Sec. 1. 17-A MRSA §15, sub-§1, ¶A, as amended by PL 2021, c. 647, Pt. B, §§15 and 16 and affected by §65, is further amended by amending subparagraph (5-A) to read:

(5-A) Assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 19-A, section 4102, subsection 6 or dating partners as defined in Title 19-A, section 4102, subsection 4;

Sec. 2. 17-A MRSA §207-A, sub-§1, ¶A, as amended by PL 2021, c. 647, Pt. B, §17 and affected by §65, is further amended to read:

A. The person violates section 207 and the victim is a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph is a Class D crime; or

Sec. 3. 17-A MRSA §207-A, sub-§1, ¶B, as amended by PL 2021, c. 647, Pt. B, §18 and affected by §65, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 208-D, 208-E, 208-F, 209-A, 210-B, 210-C or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 208-D, 208-E, 208-F, 209-A, 210-B, 210-C or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, former section 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4113, subsection 1 in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4102, subsection 6, or a dating partner, as defined in Title 19-A, section 4102, subsection 4, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member or a dating partner.

Violation of this paragraph is a Class C crime.

Sec. 4. 17-A MRSA §208-D, sub-§1, as amended by PL 2021, c. 647, Pt. B, §19 and affected by §65, is further amended to read:

1. A person is guilty of domestic violence aggravated assault if that person:

A. Violates section 208, subsection 1, paragraph A and the victim is a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph is a Class B crime;

B. Violates section 208, subsection 1, paragraph A-1 and the victim is a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph is a Class A crime;

C. Violates section 208, subsection 1, paragraph B and the victim is a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph is a Class B crime; or

D. Violates section 208, subsection 1, paragraph C and the victim is a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph is a Class B crime.

Sec. 5. 17-A MRSA §208-E, sub-§1, ¶B, as amended by PL 2021, c. 647, Pt. B, §20 and affected by §65, is further amended to read:

B. The victim is a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4.

Sec. 6. 17-A MRSA §208-F, sub-§1, ¶B, as amended by PL 2021, c. 647, Pt. B, §21 and affected by §65, is further amended to read:

B. The victim is a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4.

Sec. 7. 17-A MRSA §209-A, sub-§1, ¶A, as amended by PL 2021, c. 647, Pt. B, §22 and affected by §65, is further amended to read:

A. The person violates section 209 and the victim is a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph is a Class D crime; or

Sec. 8. 17-A MRSA §209-A, sub-§1, ¶B, as amended by PL 2021, c. 647, Pt. B, §23 and affected by §65, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 207-A, 208-D, 208-E, 208-F, 210-B, 210-C or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 208-D, 208-E, 208-F, 210-B, 210-C or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, former section 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4113, subsection 1 in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4102, subsection 6, or a dating partner, as defined in Title 19-A, section 4102, subsection 4, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member or a dating partner.

Violation of this paragraph is a Class C crime.

Sec. 9. 17-A MRSA §210-B, sub-§1, ¶A, as amended by PL 2021, c. 647, Pt. B, §25 and affected by §65, is further amended to read:

A. The person violates section 210 and the victim is a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph is a Class D crime; or

Sec. 10. 17-A MRSA §210-B, sub-§1, ¶B, as amended by PL 2021, c. 647, Pt. B, §26 and affected by §65, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 207-A, 208-D, 208-E, 208-F, 209-A, 210-C or 211-A or one or more prior

convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-C or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, former section 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4113, subsection 1 in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4102, subsection 6, or a dating partner, as defined in Title 19-A, section 4102, subsection 4, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member or a dating partner.

Violation of this paragraph is a Class C crime.

Sec. 11. 17-A MRSA §210-C, sub-§1, ¶A, as amended by PL 2021, c. 647, Pt. B, §27 and affected by §65, is further amended to read:

A. The person violates section 210-A and the victim is a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph is a Class D crime; or

Sec. 12. 17-A MRSA §210-C, sub-§1, ¶B, as amended by PL 2021, c. 647, Pt. B, §28 and affected by §65, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, former section 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4113, subsection 1 in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when

the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4102, subsection 6, or a dating partner, as defined in Title 19-A, section 4102, subsection 4, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member or a dating partner.

Violation of this paragraph is a Class C crime.

Sec. 13. 17-A MRSA §211-A, sub-§1, ¶A, as amended by PL 2021, c. 647, Pt. B, §29 and affected by §65, is further amended to read:

A. The person violates section 211 and the victim is a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph is a Class D crime; or

Sec. 14. 17-A MRSA §211-A, sub-§1, ¶B, as amended by PL 2021, c. 647, Pt. B, §30 and affected by §65, is further amended to read:

B. The person violates paragraph A and at the time of the offense:

(1) Has one or more prior convictions for violating paragraph A or for violating section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 210-C or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 210-C in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, former section 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4113, subsection 1 in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4102, subsection 6, or a dating partner, as defined in Title 19-A, section 4102, subsection 4, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member or a dating partner.

Violation of this paragraph is a Class C crime.

Sec. 15. 17-A MRSA §1603, sub-§2, ¶C, as amended by PL 2021, c. 647, Pt. B, §34 and affected by §65, is further amended to read:

C. That the victim is a family or household member as defined in Title 19-A, section 4102, subsection 6, paragraphs A to E or a dating partner as defined in Title 19-A, section 4102, subsection 4 who is a victim of domestic violence committed by the convicted individual.

Sec. 16. 17-A MRSA §1804, sub-§3, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

3. Exception to limits when victim is family or household member. If the State pleads and proves that the person was convicted of committing against a family or household member or a dating partner a crime under chapter 9 or 13 or section 554 or if the person was convicted under chapter 11 or 12 or section 556, the period of probation may not exceed:

- A. For a Class A crime, 6 years; and
- B. For a Class B or Class C crime, 4 years.

Sec. 17. 17-A MRSA §1804, sub-§6, as amended by PL 2021, c. 647, Pt. B, §39 and affected by §65, is further amended to read:

6. Exception to limits when person ordered to complete domestic violence intervention program and pay restitution. If the State pleads and proves that the enumerated Class D or Class E crime was committed by the person against a family or household member or a dating partner and the court orders the person to complete a certified domestic violence intervention program as defined in Title 19-A, section 4116, the person may be placed on probation for a period not to exceed 2 years, except that, on motion by the person's probation officer, the person or the court, the term of probation must be terminated by the court when the court determines that the person has:

- A. Served at least one year of probation;
- B. Completed the certified domestic violence intervention program;
- C. Paid in full any victim restitution ordered; and
- D. From the time the period of probation commenced until the motion for termination is heard, met all other conditions of probation.

As used in this subsection, "enumerated Class D or Class E crime" means any Class D crime in chapter 9, any Class D or Class E crime in chapter 11, the Class D crimes described in sections 302 and 506-B and the Class D crimes described in sections 554, 555 and 758.

Sec. 18. 17-A MRSA §2107, 2nd ¶, as amended by PL 2021, c. 647, Pt. B, §42 and affected by §65, is further amended to read:

For purposes of this section, "crime involving domestic violence" has the same meaning as in Title 15, section 1003, subsection 3-A and includes those crimes under section 152, subsection 1, paragraph A, section 208 and section 208-B when the victim is a family or household member as defined in Title 19-A, section 4102, subsection 6, paragraphs A to E or a dating partner as defined in Title 19-A, section 4102, subsection 4.

Sec. 19. 17-A MRSA §2301, sub-§1-A is enacted to read:

1-A. Dating partner. "Dating partner" has the same meaning as in Title 19-A, section 4102, subsection 4.

Sec. 20. 17-A MRSA §2307, sub-§1, ¶F, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

F. A crime against a family or household member or a dating partner listed under chapter 9 or 13 or section 506-B, 554, 555 or 758.

Sec. 21. 17-A MRSA §2308, sub-§1, ¶F, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

F. A crime against a family or household member or a dating partner listed under chapter 9 or 13 or section 506-B, 554, 555 or 758.