**§152. Criminal attempt**

**1.**  A person is guilty of criminal attempt if, acting with the kind of culpability required for the commission of the crime, and with the intent to complete the commission of the crime, the person engages in conduct that in fact constitutes a substantial step toward its commission and the crime is:

A. Murder. Violation of this paragraph is a Class A crime; [PL 2001, c. 383, §6 (NEW); PL 2001, c. 383, §156 (AFF).]

B. A Class A crime. Violation of this paragraph is a Class B crime; [PL 2001, c. 383, §6 (NEW); PL 2001, c. 383, §156 (AFF).]

C. A Class B crime. Violation of this paragraph is a Class C crime; [PL 2001, c. 383, §6 (NEW); PL 2001, c. 383, §156 (AFF).]

D. A Class C crime. Violation of this paragraph is a Class D crime; or [PL 2001, c. 383, §6 (NEW); PL 2001, c. 383, §156 (AFF).]

E. A Class D crime or Class E crime. Violation of this paragraph is a Class E crime. [PL 2001, c. 383, §6 (NEW); PL 2001, c. 383, §156 (AFF).]

A substantial step is any conduct that goes beyond mere preparation and is strongly corroborative of the firmness of the actor's intent to complete the commission of the crime.

[PL 2001, c. 383, §6 (AMD); PL 2001, c. 383, §156 (AFF).]

**2.**  It is not a defense to a prosecution under this section that it was impossible to commit the crime that the person attempted, provided that it would have been committed had the factual and legal attendant circumstances specified in the definition of the crime been as the person believed them to be.

[PL 2001, c. 383, §6 (AMD); PL 2001, c. 383, §156 (AFF).]

**3.**  A person who engages in conduct intending to aid another to commit a crime is guilty of criminal attempt if the conduct would establish the person's complicity under section 57 were the crime committed by the other person, even if the other person is not guilty of committing or attempting the crime.

[PL 2001, c. 383, §6 (AMD); PL 2001, c. 383, §156 (AFF).]

**3-A.**  An indictment, information or complaint, or count thereof, charging the commission of a crime under chapters 9 through 45, or a crime outside this code is deemed to charge the commission of the attempt to commit that crime and may not be deemed duplicitous thereby.

[PL 2001, c. 383, §6 (AMD); PL 2001, c. 383, §156 (AFF).]

**4.**

[PL 2001, c. 667, Pt. D, §1 (RP); PL 2001, c. 667, Pt. D, §36 (AFF).]

**5.**

[PL 2001, c. 667, Pt. D, §2 (RP); PL 2001, c. 667, Pt. D, §36 (AFF).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §36 (AMD). PL 1977, c. 510, §§32-34 (AMD). PL 1995, c. 422, §1 (AMD). PL 2001, c. 383, §6 (AMD). PL 2001, c. 383, §156 (AFF). PL 2001, c. 413, §1 (AMD). PL 2001, c. 667, §§D1,2 (AMD). PL 2001, c. 667, §D36 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024
. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.