

## CHAPTER 9

### OFFENSES AGAINST THE PERSON

#### §201. Murder

1. A person is guilty of murder if the person:

A. Intentionally or knowingly causes the death of another human being; [PL 2001, c. 383, §8 (AMD); PL 2001, c. 383, §156 (AFF).]

B. Engages in conduct that manifests a depraved indifference to the value of human life and that in fact causes the death of another human being; or [PL 2001, c. 383, §8 (AMD); PL 2001, c. 383, §156 (AFF).]

C. Intentionally or knowingly causes another human being to commit suicide by the use of force, duress or deception. [PL 2001, c. 383, §8 (AMD); PL 2001, c. 383, §156 (AFF).]  
[PL 2001, c. 383, §8 (AMD); PL 2001, c. 383, §156 (AFF).]

**1-A.** For purposes of subsection 1, paragraph B, when the crime of depraved indifference murder is charged, the crime of criminally negligent manslaughter is deemed to be charged.  
[PL 2001, c. 383, §8 (AMD); PL 2001, c. 383, §156 (AFF).]

2. The sentence for murder is as authorized in chapter 63.  
[PL 2019, c. 113, Pt. B, §9 (AMD).]

3. It is an affirmative defense to a prosecution under subsection 1, paragraph A, that the person causes the death while under the influence of extreme anger or extreme fear brought about by adequate provocation.  
[PL 2001, c. 383, §8 (AMD); PL 2001, c. 383, §156 (AFF).]

4. For purposes of subsection 3, provocation is adequate if:

A. It is not induced by the person; and [PL 2001, c. 383, §8 (AMD); PL 2001, c. 383, §156 (AFF).]

B. It is reasonable for the person to react to the provocation with extreme anger or extreme fear, provided that evidence demonstrating only that the person has a tendency towards extreme anger or extreme fear is not sufficient, in and of itself, to establish the reasonableness of the person's reaction. [PL 2001, c. 383, §8 (AMD); PL 2001, c. 383, §156 (AFF).]

For purposes of determining whether extreme anger or extreme fear was brought about by adequate provocation, the provocation was not adequate if it resulted solely from the discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the person or in which the person and victim dated or had a romantic or sexual relationship.  
[PL 2019, c. 462, §3 (AMD).]

5. Nothing contained in subsection 3 may constitute a defense to a prosecution for, or preclude conviction of, manslaughter or any other crime.  
[PL 1983, c. 372, §1 (NEW).]

6. It is an affirmative defense to prosecution under subsection 1 that the person's conduct was expressly authorized by Title 22, chapter 418.  
[PL 2019, c. 271, §2 (NEW).]

#### SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §§37-39 (AMD). PL 1977, c. 510, §38 (RPR). PL 1983, c. 372, §1 (AMD). PL 1983, c. 450, §2 (AMD). PL 1985, c. 416 (AMD). PL 2001, c. 383, §8 (AMD). PL 2001, c. 383, §156 (AFF). PL 2019, c. 113, Pt. B, §9 (AMD). PL 2019, c. 271, §2 (AMD). PL 2019, c. 462, §3 (AMD).

### §202. Felony murder

1. A person is guilty of felony murder if acting alone or with one or more other persons in the commission of, or an attempt to commit, or immediate flight after committing or attempting to commit, murder, robbery, burglary, kidnapping, arson, gross sexual assault, or escape, the person or another participant in fact causes the death of a human being, and the death is a reasonably foreseeable consequence of such commission, attempt or flight.

[PL 1991, c. 377, §8 (AMD).]

2. It is an affirmative defense to prosecution under this section that the defendant:

A. Did not commit the homicidal act or in any way solicit, command, induce, procure or aid the commission thereof; [PL 1977, c. 510, §39 (RPR).]

B. Was not armed with a dangerous weapon, or other weapon which under circumstances indicated a readiness to inflict serious bodily injury; [PL 1977, c. 510, §39 (RPR).]

C. Reasonably believed that no other participant was armed with such a weapon; and [PL 1977, c. 510, §39 (RPR).]

D. Reasonably believed that no other participant intended to engage in conduct likely to result in death or serious bodily injury. [PL 1977, c. 510, §39 (RPR).]

[PL 1977, c. 510, §39 (RPR).]

3. Felony murder is a Class A crime.

[PL 1977, c. 510, §39 (NEW).]

### SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §40 (AMD). PL 1977, c. 510, §39 (RPR). PL 1979, c. 701, §20 (AMD). PL 1991, c. 377, §8 (AMD).

### §203. Manslaughter

1. A person is guilty of manslaughter if that person:

A. Recklessly, or with criminal negligence, causes the death of another human being. Violation of this paragraph is a Class A crime; [PL 2001, c. 383, §9 (AMD); PL 2001, c. 383, §156 (AFF).]

B. Intentionally or knowingly causes the death of another human being under circumstances that do not constitute murder because the person causes the death while under the influence of extreme anger or extreme fear brought about by adequate provocation. Adequate provocation has the same meaning as in section 201, subsection 4. The fact that the person causes the death while under the influence of extreme anger or extreme fear brought about by adequate provocation constitutes a mitigating circumstance reducing murder to manslaughter and need not be proved in any prosecution initiated under this subsection. Violation of this paragraph is a Class A crime; or [PL 2001, c. 383, §9 (AMD); PL 2001, c. 383, §156 (AFF).]

C. Has direct and personal management or control of any employment, place of employment or other employee, and intentionally or knowingly violates any occupational safety or health standard of this State or the Federal Government, and that violation in fact causes the death of an employee and that death is a reasonably foreseeable consequence of the violation. This paragraph does not apply to:

(1) Any person who performs a public function either on a volunteer basis or for minimal compensation for services rendered; or

(2) Any public employee responding to or acting at a life-threatening situation who is forced to make and does make a judgment reasonably calculated to save the life of a human being.

Violation of this paragraph is a Class C crime. [PL 2001, c. 383, §9 (AMD); PL 2001, c. 383, §156 (AFF).]

[PL 2001, c. 383, §9 (AMD); PL 2001, c. 383, §156 (AFF).]

2.

[PL 1983, c. 480, Pt. B, §23 (RP).]

3.

[PL 2001, c. 383, §9 (RP); PL 2001, c. 383, §156 (AFF).]

3-A.

[PL 1989, c. 872, §2 (RP).]

#### SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1977, c. 510, §40 (RPR). PL 1983, c. 217 (AMD). PL 1983, c. 372, §2 (AMD). PL 1983, c. 480, §B23 (AMD). PL 1987, c. 678, §1 (AMD). PL 1989, c. 505, §§1,2 (AMD). PL 1989, c. 872, §§1,2 (AMD). PL 1989, c. 873 (AMD). PL 1997, c. 34, §1 (AMD). PL 2001, c. 383, §9 (AMD). PL 2001, c. 383, §156 (AFF).

#### **§204. Aiding or soliciting suicide**

1. A person is guilty of aiding or soliciting suicide if he intentionally aids or solicits another to commit suicide, and the other commits or attempts suicide.

[PL 1977, c. 510, §41 (RPR).]

2. Aiding or soliciting suicide is a Class D crime.

[PL 1977, c. 510, §41 (RPR).]

3. It is an affirmative defense to prosecution under subsection 1 that the person's conduct was expressly authorized by Title 22, chapter 418.

[PL 2019, c. 271, §3 (NEW).]

#### SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §41 (AMD). PL 1977, c. 510, §41 (RPR). PL 2019, c. 271, §3 (AMD).

#### **§205. Criminal homicide in the 5th degree**

**(REPEALED)**

#### SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1977, c. 510, §42 (RP).

#### **§206. Criminal homicide in the 6th degree**

**(REPEALED)**

#### SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §42 (AMD). PL 1977, c. 510, §43 (RP).

#### **§207. Assault**

1. A person is guilty of assault if:

A. The person intentionally, knowingly or recklessly causes bodily injury or offensive physical contact to another person. Violation of this paragraph is a Class D crime; or [PL 2001, c. 383, §10 (NEW); PL 2001, c. 383, §156 (AFF).]

B. The person has attained at least 18 years of age and intentionally, knowingly or recklessly causes bodily injury to another person who is less than 6 years of age. Violation of this paragraph is a Class C crime. [PL 2001, c. 383, §10 (NEW); PL 2001, c. 383, §156 (AFF).]  
[PL 2001, c. 383, §10 (RPR); PL 2001, c. 383, §156 (AFF).]

2.

[PL 2001, c. 383, §10 (RP); PL 2001, c. 383, §156 (AFF).]

3. For a violation under subsection 1, the court shall impose a sentencing alternative that involves a fine of not less than \$300, which may not be suspended except as provided in subsection 4.  
[PL 2019, c. 113, Pt. B, §10 (AMD).]

**4. Finding by court necessary to impose other than minimum fine.** In the case of an individual, the court may suspend all or a portion of a minimum fine under subsection 3 or impose a lesser fine other than the mandatory fine if the court finds by a preponderance of the evidence that there are exceptional circumstances that justify imposition of a lesser financial penalty. In making a finding of exceptional circumstances, the court may consider:

A. Reliable evidence of financial hardship on the part of the individual and the individual's family and dependents; [PL 2019, c. 113, Pt. B, §11 (NEW).]

B. Reliable evidence of special needs of the individual or the individual's family and dependents; [PL 2019, c. 113, Pt. B, §11 (NEW).]

C. Reliable evidence of the individual's income and future earning capacity and the individual's assets and financial resources from whatever source; [PL 2019, c. 113, Pt. B, §11 (NEW).]

D. Reliable evidence regarding any pecuniary gain derived from the commission of the offense; and [PL 2019, c. 113, Pt. B, §11 (NEW).]

E. The impact of imposition of the mandatory fine on the individual's reasonable ability to pay restitution under chapter 69. [PL 2019, c. 113, Pt. B, §11 (NEW).]  
[PL 2019, c. 113, Pt. B, §11 (NEW).]

#### SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1985, c. 495, §4 (AMD). PL 2001, c. 383, §10 (RPR). PL 2001, c. 383, §156 (AFF). PL 2005, c. 12, §JJ1 (AMD). PL 2019, c. 113, Pt. B, §§10, 11 (AMD).

#### §207-A. Domestic violence assault

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

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 [PL 2023, c. 465, §2 (AMD).]

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. [PL 2023, c. 465, §3 (AMD).]  
[PL 2023, c. 465, §§2, 3 (AMD).]

2. Section 9-A governs the use of prior convictions when determining a sentence.  
[PL 2007, c. 436, §1 (NEW); PL 2007, c. 436, §7 (AFF).]

#### SECTION HISTORY

PL 2007, c. 436, §1 (NEW). PL 2007, c. 436, §7 (AFF). PL 2011, c. 640, Pt. B, §1 (AMD). PL 2017, c. 432, Pt. D, §1 (AMD). PL 2019, c. 412, §1 (AMD). PL 2021, c. 647, Pt. B, §§17, 18 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2023, c. 465, §§2, 3 (AMD).

#### §208. Aggravated assault

1. A person is guilty of aggravated assault if that person intentionally, knowingly or recklessly causes:

A. Bodily injury to another that creates a substantial risk of death or extended convalescence necessary for recovery of physical health. Violation of this paragraph is a Class B crime; [PL 2015, c. 358, §1 (AMD).]

A-1. Bodily injury to another that causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ. Violation of this paragraph is a Class A crime; [PL 2015, c. 358, §1 (NEW).]

B. Bodily injury to another with use of a dangerous weapon. Violation of this paragraph is a Class B crime; or [PL 2015, c. 358, §1 (AMD).]

C. Bodily injury to another under circumstances manifesting extreme indifference to the value of human life. Such circumstances include, but are not limited to, the number, location or nature of the injuries, the manner or method inflicted, the observable physical condition of the victim or the use of strangulation. For the purpose of this paragraph, "strangulation" means impeding the breathing or circulation of the blood of another person by intentionally, knowingly or recklessly applying pressure on the person's throat or neck. Violation of this paragraph is a Class B crime.  
[PL 2019, c. 91, §1 (AMD).]

[PL 2019, c. 91, §1 (AMD).]

2.

[PL 2015, c. 358, §1 (RP).]

#### SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §43 (AMD). PL 1977, c. 510, §44 (AMD). PL 1981, c. 317, §6 (AMD). PL 2011, c. 640, Pt. B, §2 (AMD). PL 2015, c. 358, §1 (AMD). PL 2019, c. 91, §1 (AMD).

#### **§208-A. Assault while hunting**

1. A person is guilty of assault while hunting if, while in the pursuit of wild game or game birds, he, with criminal negligence, causes bodily injury to another with the use of a dangerous weapon. [PL 1977, c. 671, §22 (NEW).]

2. Assault while hunting is a Class D crime. [PL 1977, c. 671, §22 (NEW).]

#### SECTION HISTORY

PL 1977, c. 671, §22 (NEW).

#### **§208-B. Elevated aggravated assault**

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

A. Intentionally or knowingly causes serious bodily injury to another person with the use of a dangerous weapon; [PL 2001, c. 634, §3 (AMD).]

B. Engages in conduct that manifests a depraved indifference to the value of human life and that in fact causes serious bodily injury to another person with the use of a dangerous weapon; or [PL 2001, c. 634, §3 (AMD).]

C. With terroristic intent engages in conduct that in fact causes serious bodily injury to another person. [PL 2001, c. 634, §3 (NEW).]

[PL 2001, c. 634, §3 (AMD).]

2. Elevated aggravated assault is a Class A crime.

[PL 1997, c. 461, §1 (NEW).]

#### SECTION HISTORY

PL 1997, c. 461, §1 (NEW). PL 2001, c. 634, §3 (AMD).

#### **§208-C. Elevated aggravated assault on pregnant person**

1. A person is guilty of elevated aggravated assault on a pregnant person if that person intentionally or knowingly causes serious bodily injury to a person the person knows or has reason to know is pregnant. For the purposes of this subsection, "serious bodily injury" includes bodily injury that results in the termination of a pregnancy. This subsection does not apply to acts committed by:

A. Any person relating to an abortion for which the consent of the pregnant person, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law; or [PL 2005, c. 408, §1 (NEW).]

B. Any person for any medical treatment of the pregnant person or the fetus. [PL 2005, c. 408, §1 (NEW).]

[PL 2005, c. 408, §1 (NEW).]

2. Elevated aggravated assault on a pregnant person is a Class A crime.

[PL 2005, c. 408, §1 (NEW).]

#### SECTION HISTORY

PL 2005, c. 408, §1 (NEW).

#### **§208-D. Domestic violence aggravated assault**

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; [PL 2023, c. 465, §4 (AMD).]

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; [PL 2023, c. 465, §4 (AMD).]

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 [PL 2023, c. 465, §4 (AMD).]

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. [PL 2023, c. 465, §4 (AMD).]

[PL 2023, c. 465, §4 (AMD).]

#### SECTION HISTORY

PL 2019, c. 412, §2 (NEW). PL 2021, c. 647, Pt. B, §19 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2023, c. 465, §4 (AMD).

#### **§208-E. Domestic violence elevated aggravated assault**

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

A. The person violates section 208-B; and [PL 2019, c. 412, §2 (NEW).]

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. [PL 2023, c. 465, §5 (AMD).]

[PL 2023, c. 465, §5 (AMD).]

2. Violation of this section is a Class A crime.

[PL 2019, c. 412, §2 (NEW).]

#### SECTION HISTORY

PL 2019, c. 412, §2 (NEW). PL 2021, c. 647, Pt. B, §20 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2023, c. 465, §5 (AMD).

#### **§208-F. Domestic violence elevated aggravated assault on pregnant person**

1. A person is guilty of domestic violence elevated aggravated assault on a pregnant person if:

A. The person violates section 208-C; and [PL 2019, c. 412, §2 (NEW).]

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. [PL 2023, c. 465, §6 (AMD).]

[PL 2023, c. 465, §6 (AMD).]

2. Violation of this section is a Class A crime.

[PL 2019, c. 412, §2 (NEW).]

#### SECTION HISTORY

PL 2019, c. 412, §2 (NEW). PL 2021, c. 647, Pt. B, §21 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2023, c. 465, §6 (AMD).

**§209. Criminal threatening**

1. A person is guilty of criminal threatening if he intentionally or knowingly places another person in fear of imminent bodily injury.

[PL 1975, c. 499, §1 (NEW).]

2. Criminal threatening is a Class D crime.

[PL 1975, c. 499, §1 (NEW).]

**SECTION HISTORY**

PL 1975, c. 499, §1 (NEW).

**§209-A. Domestic violence criminal threatening**

1. A person is guilty of domestic violence criminal threatening if:

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 [PL 2023, c. 465, §7 (AMD).]

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. [PL 2023, c. 465, §8 (AMD).]

[PL 2023, c. 465, §§7, 8 (AMD).]

2. Section 9-A governs the use of prior convictions when determining a sentence.

[PL 2007, c. 436, §2 (NEW); PL 2007, c. 436, §7 (AFF).]

**SECTION HISTORY**

PL 2007, c. 436, §2 (NEW). PL 2007, c. 436, §7 (AFF). PL 2011, c. 640, Pt. B, §3 (AMD). PL 2017, c. 432, Pt. D, §2 (AMD). PL 2019, c. 412, §3 (AMD). PL 2021, c. 647, Pt. B, §§22, 23 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2023, c. 465, §§7, 8 (AMD).

### §210. Terrorizing

1. A person is guilty of terrorizing if that person intentionally, knowingly or recklessly communicates to any person a threat to commit or to cause to be committed a crime of violence dangerous to human life, against the person to whom the communication is made or another, consciously disregarding a substantial risk that the natural and probable consequence of such a threat, whether or not such consequence in fact occurs, is:

A. To place the person to whom the threat is communicated or the person threatened in reasonable fear that the crime will be committed. Violation of this paragraph is a Class D crime; or [PL 2001, c. 383, §11 (AMD); PL 2001, c. 383, §156 (AFF).]

B. To cause evacuation of a building, place of assembly or facility of public transport or to cause the occupants of a building to be moved to or required to remain in a designated secured area. Violation of this paragraph is a Class C crime. [PL 2001, c. 383, §11 (AMD); PL 2001, c. 383, §156 (AFF).]

[PL 2023, c. 519, §1 (AMD).]

2.

[PL 2001, c. 383, §11 (RP); PL 2001, c. 383, §156 (AFF).]

### SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1977, c. 510, §45 (AMD). PL 1977, c. 671, §§23,24 (AMD). PL 1999, c. 433, §1 (AMD). PL 2001, c. 383, §11 (AMD). PL 2001, c. 383, §156 (AFF). PL 2003, c. 143, §4 (AMD). PL 2023, c. 519, §1 (AMD).

### §210-A. Stalking

1. A person is guilty of stalking if:

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

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

Violation of this paragraph is a Class D crime; [PL 2015, c. 357, §1 (AMD).]

B. [PL 2001, c. 383, §12 (RP); PL 2001, c. 383, §156 (AFF).]

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

Violation of this paragraph is a Class C crime. In determining the sentence for a violation of this paragraph the court shall impose a sentencing alternative pursuant to section 1502, subsection 2 that includes a term of imprisonment. In determining the basic term of imprisonment as the first step in the sentencing process, the court shall select a term of at least one year.

For the purposes of this paragraph, "prior conviction" means a conviction for a violation of this section; Title 5, section 4659; Title 15, section 321; former Title 19, section 769; Title 19-A, former section 4011 or Title 19-A, section 4113; Title 22, section 4036; any other temporary, emergency, interim or final protective order; an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation; any similar order issued by any court of the United States or of any other state, territory, commonwealth or tribe; or a court-approved consent agreement. Section 9-A governs the use of prior convictions when determining a sentence; [PL 2021, c. 647, Pt. B, §24 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

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

Violation of this paragraph is a Class C crime; or [PL 2015, c. 357, §3 (NEW).]

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

Violation of this paragraph is a Class B crime. In determining the sentence for a violation of this paragraph the court shall impose a sentencing alternative pursuant to section 1502, subsection 2 that includes a term of imprisonment. In determining the basic term of imprisonment as the first step in the sentencing process, the court shall select a term of at least 2 years. [PL 2019, c. 113, Pt. C, §60 (AMD).]

[PL 2021, c. 647, Pt. B, §24 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Course of conduct" means 2 or more acts, including but not limited to acts in which the actor, by any action, method, device or means, directly or indirectly:

- (1) Follows, monitors, tracks, observes, surveils or harasses a person;
- (2) Interferes with a person's property;
- (3) Threatens a person, consciously disregarding a substantial risk that the actor's conduct would cause a reasonable person to experience any of the effects identified in subsection 1, paragraph A; or
- (4) Communicates to or about a person, consciously disregarding a substantial risk that the actor's conduct would cause a reasonable person to experience any of the effects identified in subsection 1, paragraph A.

"Course of conduct" also includes, but is not limited to, threats implied by conduct and gaining unauthorized access to personal, medical, financial or other identifying or confidential information. [PL 2023, c. 519, §2 (RPR).]

B. "Close relation" means a current or former spouse or domestic partner, parent, child, sibling, stepchild, stepparent, grandparent, any person who regularly resides in the household or who within the prior 6 months regularly resided in the household or any person with a significant personal or professional relationship. [PL 2007, c. 685, §1 (AMD).]

C. [PL 2007, c. 685, §1 (RP).]

D. "Emotional distress" means mental or emotional suffering of the person being stalked as evidenced by anxiety, fear, torment or apprehension that may or may not result in a physical manifestation of emotional distress or a mental health diagnosis. [PL 2007, c. 685, §1 (NEW).]

E. "Serious inconvenience" means that a person significantly modifies that person's actions or routines in an attempt to avoid the actor or because of the actor's course of conduct. "Serious inconvenience" includes, but is not limited to, changing a phone number, changing an electronic

mail address, moving from an established residence, changing daily routines, changing routes to and from work, changing employment or work schedule or losing time from work or a job. [PL 2007, c. 685, §1 (NEW).]  
[PL 2023, c. 519, §2 (AMD).]

**3.**

[PL 2001, c. 383, §13 (RP); PL 2001, c. 383, §156 (AFF).]

**SECTION HISTORY**

PL 1995, c. 668, §3 (NEW). PL 1999, c. 510, §4 (AMD). PL 2001, c. 383, §§12,13 (AMD). PL 2001, c. 383, §156 (AFF). PL 2001, c. 411, §1 (AMD). PL 2001, c. 471, §B9 (AMD). PL 2001, c. 471, §B10 (AFF). PL 2001, c. 667, §§D35,36 (AFF). PL 2007, c. 685, §1 (AMD). PL 2009, c. 336, §11 (AMD). PL 2015, c. 357, §§1-3 (AMD). PL 2015, c. 470, §§11, 12 (AMD). PL 2019, c. 113, Pt. C, §§59, 60 (AMD). PL 2021, c. 647, Pt. B, §24 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2023, c. 519, §2 (AMD).

**§210-B. Domestic violence terrorizing**

**1.** A person is guilty of domestic violence terrorizing if:

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 [PL 2023, c. 465, §9 (AMD).]

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. [PL 2023, c. 465, §10 (AMD).]  
[PL 2023, c. 465, §§9, 10 (AMD).]

**2.** Section 9-A governs the use of prior convictions when determining a sentence.  
[PL 2007, c. 436, §3 (NEW); PL 2007, c. 436, §7 (AFF).]

**SECTION HISTORY**

PL 2007, c. 436, §3 (NEW). PL 2007, c. 436, §7 (AFF). PL 2011, c. 640, Pt. B, §4 (AMD). PL 2017, c. 432, Pt. D, §3 (AMD). PL 2019, c. 412, §4 (AMD). PL 2021, c. 647, Pt. B, §§25, 26 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2023, c. 465, §§9, 10 (AMD).

### **§210-C. Domestic violence stalking**

1. A person is guilty of domestic violence stalking if:

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 [PL 2023, c. 465, §11 (AMD).]

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. [PL 2023, c. 465, §12 (AMD).]  
[PL 2023, c. 465, §§11, 12 (AMD).]

2. Section 9-A governs the use of prior convictions when determining a sentence.  
[PL 2007, c. 436, §4 (NEW); PL 2007, c. 436, §7 (AFF).]

### **SECTION HISTORY**

PL 2007, c. 436, §4 (NEW). PL 2007, c. 436, §7 (AFF). PL 2011, c. 640, Pt. B, §5 (AMD). PL 2017, c. 432, Pt. D, §4 (AMD). PL 2019, c. 412, §5 (AMD). PL 2021, c. 647, Pt. B, §§27, 28 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2023, c. 465, §§11, 12 (AMD).

### **§211. Reckless conduct**

1. A person is guilty of reckless conduct if he recklessly creates a substantial risk of serious bodily injury to another person.

[PL 1975, c. 499, §1 (NEW).]

2. Reckless conduct is a Class D crime.

[PL 1975, c. 499, §1 (NEW).]

**SECTION HISTORY**

PL 1975, c. 499, §1 (NEW).

**§211-A. Domestic violence reckless conduct**

1. A person is guilty of domestic violence reckless conduct if:

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 [PL 2023, c. 465, §13 (AMD).]

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. [PL 2023, c. 465, §14 (AMD).]  
[PL 2023, c. 465, §§13, 14 (AMD).]

2. Section 9-A governs the use of prior convictions when determining a sentence.  
[PL 2007, c. 436, §5 (NEW); PL 2007, c. 436, §7 (AFF).]

**SECTION HISTORY**

PL 2007, c. 436, §5 (NEW). PL 2007, c. 436, §7 (AFF). PL 2011, c. 640, Pt. B, §6 (AMD). PL 2017, c. 432, Pt. D, §5 (AMD). PL 2019, c. 412, §6 (AMD). PL 2021, c. 647, Pt. B, §§29, 30 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2023, c. 465, §§13, 14 (AMD).

**§212. Classification of offenses against the person**

**(REPEALED)**

**SECTION HISTORY**

PL 1991, c. 866, §1 (NEW). PL 1995, c. 650, §9 (AMD). PL 1995, c. 694, §D23 (AMD). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 460, §1 (RP).

**§213. Aggravated reckless conduct**

1. A person is guilty of aggravated reckless conduct if the person with terroristic intent engages in conduct that in fact creates a substantial risk of serious bodily injury to another person.

[PL 2001, c. 634, §4 (NEW).]

2. Aggravated reckless conduct is a Class B crime.

[PL 2001, c. 634, §4 (NEW).]

#### SECTION HISTORY

PL 2001, c. 634, §4 (NEW).

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