

SAMPLE STATE DOMESTIC VIOLENCE LAWS RE: OUT OF STATE CONVICTIONS

MAINE

Title 17-A: MAINE CRIMINAL CODE

§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 4002, subsection 4. Violation of this paragraph is a Class D crime; or

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 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 209-A [Domestic Violence Criminal Threatening], 210-B [Domestic Violence Terrorizing], 210-C [Domestic Violence Stalking] or 211-A [Domestic Violence Reckless Conduct] in another jurisdiction;

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

* * *

Title 19-A: DOMESTIC RELATIONS

§4011. Violation

1. Crime committed. Except as provided in subsections 2 and 4, violation of the following is a Class D crime when the defendant has prior actual notice, which may be notice by means other than service in hand, of the order or agreement:

A. A temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation or a similar order issued by a court of the United States or of another state, territory, commonwealth or tribe; or

B. A court-approved consent agreement.

* * *

MASSACHUSETTS

Section 13M: Assault or assault and battery on a family or household member; second or subsequent offense; penalty

Section 13M. (a) Whoever commits an assault or assault and battery on a family or household member shall be punished by imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$5,000, or both such fine and imprisonment.

(b) Whoever is convicted of a second or subsequent offense of assault or assault and battery on a family or household member shall be punished by imprisonment in the house of correction for not more than 2 1/2 years or by imprisonment in the state prison for not more than 5 years.

(c) For the purposes of this section, "family or household member" shall mean persons who (i) are or were married to one another, (ii) have a child in common regardless of whether they have ever married or lived together or (iii) are or have been in a substantive dating or engagement relationship; provided, that the trier of fact shall determine whether a relationship is substantive by considering the following factors: the length of time of the relationship; the type of relationship; the frequency of interaction between the parties; whether the relationship was terminated by either person; and the length of time elapsed since the termination of the relationship.

Other statutes use language "or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority"

NEW HAMPSHIRE

CHAPTER 631

ASSAULT AND RELATED OFFENSES

631:2-b Domestic Violence. –

I. A person is guilty of domestic violence if the person commits any of the following against a family or household member or intimate partner:

- (a) Purposely or knowingly causes bodily injury or unprivileged physical contact against another by use of physical force;
- (b) Recklessly causes bodily injury to another by use of physical force;
- (c) Negligently causes bodily injury to another by means of a deadly weapon;
- (d) Uses or attempts to use physical force, or by physical conduct threatens to use a deadly weapon for the purpose of placing another in fear of imminent bodily injury;
- (e) Threatens to use a deadly weapon against another person for the purpose to terrorize that person;
- (f) Coerces or forces another to submit to sexual contact by using physical force or physical violence;
- (g) Threatens to use physical force or physical violence to cause another to submit to sexual contact and the victim believes the actor has the present ability to execute the threat;
- (h) Threatens to use a deadly weapon to cause another to submit to sexual contact and the victim

believes the actor has the present ability to carry out the threat;

(i) Confines another unlawfully, as defined in RSA 633:2, by means of physical force or the threatened use of a deadly weapon, so as to interfere substantially with his or her physical movement;

(j) Knowingly violates a term of a protective order issued pursuant to RSA 173-B:4, I by means of the use or attempted use of physical force or the threatened use of a deadly weapon;

(k) Uses physical force or the threatened use of a deadly weapon against another to block that person's access to any cell phone, telephone, or electronic communication device with the purpose of preventing, obstructing, or interfering with:

(1) The report of any criminal offense, bodily injury, or property damage to a law enforcement agency; or

(2) A request for an ambulance or emergency medical assistance to any law enforcement agency or emergency medical provider.