

§152-A. Aggravated attempted murder

1. A person is guilty of aggravated attempted murder if that person commits attempted murder and, at the time of that person's actions, one or more of the following aggravating circumstances is in fact present:

A. The person's intent to kill was accompanied by premeditation-in-fact; [PL 2001, c. 413, §2 (NEW).]

B. The person, at the time of the crime, intended to cause multiple deaths; [PL 2001, c. 413, §2 (NEW).]

C. The person was previously convicted in this State or another jurisdiction of criminal homicide or any other crime involving the use of deadly force against a person; [PL 2007, c. 476, §2 (AMD).]

D. The attempted murder was accompanied by torture, sexual assault or other extreme cruelty inflicted upon the victim; [PL 2001, c. 413, §2 (NEW).]

E. The attempted murder was committed in a penal institution by an inmate of that institution against another inmate or against prison personnel; [PL 2001, c. 413, §2 (NEW).]

F. The attempted murder was committed against a law enforcement officer while the officer was acting in performance of that officer's duties; or [PL 2001, c. 413, §2 (NEW).]

G. The attempted murder was committed against a hostage. [PL 2001, c. 413, §2 (NEW).]
[PL 2007, c. 476, §2 (AMD).]

2. Aggravated attempted murder is a Class A crime except that, notwithstanding section 1604, subsection 1, paragraph A, the sentence for aggravated attempted murder is imprisonment for life or a definite period of imprisonment for any term of years. The existence of an aggravating circumstance serves only as a precondition for the court to consider a life sentence.
[PL 2019, c. 113, Pt. C, §58 (AMD).]

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, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 413, §2 (NEW). PL 2007, c. 476, §2 (AMD). PL 2019, c. 113, Pt. C, §58 (AMD).
PL 2019, c. 271, §1 (AMD).

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