

§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).

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