

Maine Revised Statutes
Title 17-A: MAINE CRIMINAL CODE

Chapter 5: DEFENSES AND AFFIRMATIVE DEFENSES; JUSTIFICATION

§103. COMPETING HARMS

1. Conduct that the person believes to be necessary to avoid imminent physical harm to that person or another is justifiable if the desirability and urgency of avoiding such harm outweigh, according to ordinary standards of reasonableness, the harm sought to be prevented by the statute defining the crime charged. The desirability and urgency of such conduct may not rest upon considerations pertaining to the morality and advisability of such statute.

[2007, c. 173, §18 (AMD) .]

2. When the person was reckless or criminally negligent in bringing about the circumstances requiring a choice of harms or in appraising the necessity of the person's conduct, the justification provided in subsection 1 does not apply in a prosecution for any crime for which recklessness or criminal negligence, as the case may be, suffices to establish criminal liability.

[2007, c. 173, §18 (AMD) .]

SECTION HISTORY

1975, c. 499, §1 (NEW). 2007, c. 173, §18 (AMD).

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