

MAINE STATE LEGISLATURE

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MINORITY
CRIMINAL JUSTICE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 808, L.D. 1096, Bill, "An Act to Make It a Crime to Solicit a Child by Means of Computer to Commit an Unlawful Sex Act"

Amend the bill by striking out the title and substituting the following:

'An Act to Make it a Crime to Lure a Child under 14 Years of Age for the Purpose of Unlawful Sexual Conduct'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 17-A MRSA §259 is enacted to read:

§259. Luring a child under 14 years of age for the purpose of unlawful sexual conduct

1. A person is guilty of luring a child under 14 years of age for the purpose of unlawful sexual conduct if that person, having in fact attained 18 years of age, knowingly entices, advises, coerces, orders or commands a person, not the actor's spouse, who has not in fact attained 14 years of age, to allow the actor to engage in conduct with the minor that would be a violation of any other provision of this chapter.

2. Luring a child under 14 years of age for the purpose of unlawful sexual conduct is one class of crime less than the class

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2 of crime for the conduct that would be a violation of any other
3 provision of this chapter.'

4 Further amend the bill by inserting at the end before the
5 summary the following:

8 **FISCAL NOTE**

10 This bill may increase prosecutions for Class B, C, D and E
11 crimes. Sentences of more than 9 months imposed for Class B
12 crimes must be served in state correctional institutions. The
13 cost to the State per sentence is \$89,719 based upon an average
14 length of stay of 3 years and 1 month. Sentences of more than 9
15 months imposed for Class C crimes must also be served in state
16 correctional institutions. The cost to the State per sentence is
17 \$53,033 based upon an average length of stay of 1 year and 10
18 months. The State also must reimburse counties for sentences
19 served in county jails of nine months or less for Class B and C
20 crimes.

22 For Class D and E crimes, if a jail sentence is imposed, the
23 additional costs to the counties are estimated to be \$83.78 per
24 day per prisoner. These costs are not reimbursed by the State.
25 The number of prosecutions that may result in a jail sentence and
26 the resulting costs to the county jail system are expected to be
27 insignificant.

28 The Judicial Department may require additional General Fund
29 appropriations to cover indigent defense costs related to these
30 new cases. The amounts can not be estimated at this time. The
31 additional workload and administrative costs associated with the
32 minimal number of new cases filed in the court system can be
33 absorbed within the budgeted resources of the Judicial
34 Department. The collection of additional fines may also increase
35 General Fund revenue by minor amounts.'

38
40 **SUMMARY**

42 This amendment is the minority report of the committee. The
43 amendment replaces the bill and makes it a crime for a person at
44 least 18 years of age to knowingly entice, advise, coerce, order
45 or command a child under 14 years of age to allow the person to
46 engage in conduct with the child that would be a sexual offense.
47 The class of the crime is one class less than the class for the
48 conduct that would be a sexual offense.

50 The amendment also adds a fiscal note to the bill.