

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 700

S.P. 213

In Senate, February 11, 2019

An Act To Prevent Internet Theft

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BELLOWS of Kennebec.
Cosponsored by Representative HANLEY of Pittston and
Senators: CYRWAY of Kennebec, DESCHAMBAULT of York, MIRAMANT of Knox,
ROSEN of Hancock, Representatives: HANDY of Lewiston, LANDRY of Farmington,
MAXMIN of Nobleboro.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §364** is enacted to read:

3 **§364. Organized electronic theft**

4 **1.** A person is guilty of organized electronic theft if:

5 A. The person commits 2 or more thefts under this chapter, as either a principal or an
6 accomplice, pursuant to a scheme or course of conduct involving thefts committed by
7 electronic means. Violation of this paragraph is a Class E crime; or

8 B. The person violates paragraph A and:

9 (1) The total value of the property is more than \$5,000. Violation of this
10 subparagraph is a Class B crime;

11 (2) The total value of the property is more than \$1,000 but not more than \$5,000.
12 Violation of this subparagraph is a Class C crime;

13 (3) The total value of the property is more than \$500 but not more than \$1,000.
14 Violation of this subparagraph is a Class D crime; or

15 (4) The person has 2 or more prior convictions for any combination of the Maine
16 offenses listed in this subparagraph or for engaging in substantially similar
17 conduct to that of the Maine offenses listed in this subparagraph in another
18 jurisdiction. The Maine offenses are: theft; any violation of section 401 in which
19 the crime intended to be committed inside the structure is theft; any violation of
20 section 405 in which the crime intended to be committed inside the motor vehicle
21 is theft; any violation of section 651; any violation of section 702, 703 or 708; or
22 attempts to commit any of these crimes. Section 9-A governs the use of prior
23 convictions when determining a sentence. Violation of this subparagraph is a
24 Class C crime.

25 **2.** The crime of organized electronic theft may be prosecuted and punished in:

26 A. The county in which the defendant was located when the defendant electronically
27 initiated or administered the scheme or course of conduct or accessed property that
28 the defendant obtained or exercised control over through the scheme or course of
29 conduct; or

30 B. The county in which a victim of the crime is a resident or the county in which a
31 victim of the crime maintains a place of business at the time the defendant accessed
32 the victim's property that the defendant had obtained or exercised control over
33 through the scheme or course of conduct.

34 **3.** In addition to the State's having jurisdiction pursuant to section 7 to convict a
35 person under this section, the State has jurisdiction to convict a person under this section
36 when that person is physically located outside of the State and the prohibited conduct:

37 A. Occurs outside of the State and a victim of the crime is a resident of the State or
38 maintains a place of business in the State at the time of the crime; and

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B. Is sufficient under this section to constitute a crime in the State.

As used in this subsection, "resident" means a person who lives in the State either permanently or for an extended period, which includes, but is not limited to, the period of time a student attends a school or college and the period of time a person serving in the Armed Forces of the United States is stationed in the State.

4. For the purposes of this section, "thefts committed by electronic means" includes, but is not limited to, thefts committed using Internet-based sales platforms and Internet-based fundraising, including so-called crowdfunding platforms. For the purposes of this section, "victim" means a person who was the intended recipient of, or who lawfully exercised ownership or control over, the property that is the subject of a theft committed under this section.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF
Computer Crimes 0048**

Initiative: Establishes one Computer Forensic Analyst position to investigate organized electronic theft crimes.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$71,250	\$97,850
All Other	\$5,000	\$5,000
GENERAL FUND TOTAL	\$76,250	\$102,850

SUMMARY

This bill creates the crime of organized electronic theft, of which a person is guilty if the person commits 2 or more thefts under the Maine Criminal Code pursuant to a scheme or course of conduct involving thefts committed by electronic means. "Thefts committed by electronic means" includes, but is not limited to, thefts committed using Internet-based sales platforms and Internet-based fundraising, including so-called crowdfunding platforms. The severity of punishment for the crime of organized electronic theft is dependent upon the total value of the property stolen. The bill also includes an appropriation to establish a computer forensic analyst position within the Department of Public Safety dedicated to the investigation of organized electronic theft.