MAINE STATE LEGISLATURE

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(Filing No. H-696)

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4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	132ND LEGISLATURE
8	FIRST SPECIAL SESSION
9 10	COMMITTEE AMENDMENT "A" to H.P. 1303, L.D. 1944, "An Act to Protec Children and Adults from Technology-facilitated Sexual Abuse"
11	Amend the bill by striking out the title and substituting the following:
12 13	'An Act to Protect Individuals from the Threatened Unauthorized Dissemination of Certain Private Images, Including Artificially Generated Private Images'
14 15	Amend the bill by striking out everything after the enacting clause and inserting the following:
16 17	'Sec. 1. 5 MRSA §4651, sub-§2, as amended by PL 2017, c. 455, §1, is further amended to read:
18	2. Harassment. "Harassment" means:
19 20 21 22	A. Three or more acts of intimidation, confrontation, physical force or the threat of physical force directed against any person, family or business that are made with the intention of causing fear, intimidation or damage to personal property and that do in fact cause fear, intimidation or damage to personal property; or
23 24 25 26	C. A single act or course of conduct constituting a violation of section 4681; Title 17, section 2931; or Title 17-A, section 201, 202, 203, 204, 207, 208, 209, 210, 210-A, 211, 253, 254, 255-A, 256, 258, 259-A, 259-B, 260, 261, 282, 283, 301, 302, 303, 506, 506-A, 511, 511-A, 556, 802, 805, 806, 852 or 853-; or
27 28 29 30 31	D. Communicating to a person a threat to commit, or to cause to be committed, a crime of unauthorized dissemination of certain private images as described in Title 17-A section 511-A, consciously disregarding a substantial risk that the natural and probable consequence of such a threat is to place the person who is depicted or who appears to be depicted in the image in reasonable fear that the crime will be committed.
32	This definition does not include any act protected by law.
33 34	Sec. 2. 17-A MRSA §511-A, sub-§1, as enacted by PL 2015, c. 339, §1, is amended to read:

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COMMITTEE AMENDMENT "A" to H.P. 1303, L.D. 1944

- 1. A person is guilty of unauthorized dissemination of certain private images if the person, with the intent to harass, torment or threaten the depicted person or another person, intentionally or knowingly disseminates, displays or publishes a photograph, videotape, film or digital recording an image of another person in a state of nudity or engaged in a sexual act or engaged in sexual contact or an image that has been created or modified so that it appears to show the depicted person in a state of nudity or engaged in a sexual act or engaged in sexual contact in a manner in which there is no public or newsworthy purpose when the person knows or should have known that the depicted person:
 - B. Is identifiable from the image itself or information displayed in connection with the image; and
 - C. Has not consented to the dissemination, display or publication of the private image.

Sec. 3. 17-A MRSA §511-A, sub-§3, ¶D is enacted to read:

- D. "Image" means something that is made, captured, generated or saved as a print, negative, slide, motion picture, photograph, computer data file, animation, videotape, livestream or other mechanically, electronically or chemically reproduced visual image or material.
- Sec. 4. 19-A MRSA §4102, sub-§1, ¶G, as enacted by PL 2021, c. 647, Pt. A, §3 and affected by Pt. B, §65, is amended to read:
 - G. Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to Title 17-A, section 511-A; or
- Sec. 5. 19-A MRSA §4102, sub-§1, ¶H, as enacted by PL 2021, c. 647, Pt. A, §3 and affected by Pt. B, §65, is amended to read:
 - H. Engaging in aggravated sex trafficking or sex trafficking as described in Title 17-A, section 852 or 853, respectively-; or

Sec. 6. 19-A MRSA §4102, sub-§1, ¶I is enacted to read:

I. Communicating to a person a threat to commit, or to cause to be committed, a crime of unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, consciously disregarding a substantial risk that the natural and probable consequence of such a threat is to place the person who is depicted or who appears to be depicted in the image in reasonable fear that the crime will be committed.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment changes the title of the bill and makes the following changes to the bill.

- 1. It removes the provisions of the bill expanding the crimes of sexual exploitation of a minor, dissemination of sexually explicit material and possession of sexually explicit material.
- 2. It amends the provision of the bill affecting the crime of unauthorized dissemination of certain private images to provide that a person commits this crime if the person, without consent and with the intent to harass, torment or threaten the depicted person or another

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COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 1303, L.D. 1944

person, intentionally or knowingly disseminates, displays or publishes an image that has been created or modified so that it appears to show the depicted person in a state of nudity or engaged in a sexual act or engaged in sexual contact.

3. It expands the definition of "harassment" under the protection from harassment laws and the definition of "abuse" under the protection from abuse laws to allow a person to seek a protection order against another person who threatens to commit the crime of unauthorized dissemination of certain private images if the natural and probable consequence of the threat is to place the person who is depicted or who appears to be depicted in the image in reasonable fear that the crime will be committed.

FISCAL NOTE REQUIRED

(See attached)

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132nd MAINE LEGISLATURE

LD 1944

LR 110(02)

An Act to Protect Children and Adults from Technology-facilitated Sexual Abuse

Fiscal Note for Bill as Amended by Committee Amendment 'A'' (H-696)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund Minor revenue increase - General Fund Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system. The additional workload associated with unminimal number of new cases does not require additional funding at this time. The collection of additional fines and filing fees will increase General Fund or other dedicated revenue by minor amounts.