

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
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3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 733

6
7 S.P. 275

In Senate, February 27, 1985

8 Reference to the Committee on Judiciary suggested and ordered printed.

9 JOY J. O'BRIEN, Secretary of the Senate

10 Presented by Senator Diamond of Cumberland.

Cosponsored by Representative Jacques of Waterville, Representative
Ruhlin of Brewer, and Representative McGowan of Canaan.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Make Jail Sentences Mandatory in
18 Cases of Sex Offenses Against
19 Children.
20

21 Be it enacted by the People of the State of Maine as
22 follows:

23 17-A MRSA §1252, sub-§7 is enacted to read:

24 7. Notwithstanding any other provision of this
25 code, if the State pleads and proves that a Class A,
26 Class B, Class C or Class D crime set out in chapter
27 11 was committed against a person who had not at the
28 time of the crime attained his 14th birthday, the
29 minimum sentence of imprisonment, which shall not be
30 suspended, shall be as follows:

31 A. When the sentencing class for the crime is
32 Class A, the minimum term of imprisonment shall
33 be 4 years;

1 B. When the sentencing class for the crime is
2 Class B, the minimum term of imprisonment shall
3 be 2 years;

4 C. When the sentencing class for the crime is
5 Class C, the minimum term of imprisonment shall
6 be one year; and

7 D. When the sentencing class for the crime is
8 Class D, the minimum term of imprisonment shall
9 be 2 months.

10 STATEMENT OF FACT

11 The purpose of this bill is to provide for manda-
12 tory minimum terms of imprisonment for persons con-
13 victed of committing a sex offense against a child
14 under 14 years of age. The length of the mandatory
15 imprisonment depends on the seriousness of the crime
16 as indicated by the penalty classification estab-
17 lished for the crime by the Maine Criminal Code.

18 Mandatory minimum terms of imprisonment for sex
19 offenders whose victims are children are appropriate
20 for several reasons. The seriousness of these of-
21 fenses must be demonstrated to the child victim, the
22 offender and the general public. A mandatory prison
23 term will guarantee that the offender cannot
24 victimize his past child victims, nor other children,
25 in the near future, thus providing needed protection
26 for children. The therapeutic needs of child victims
27 of sex offenses also require clear indications to
28 them that they were not at fault, that they should
29 not feel guilty. Mandatory prison terms for child
30 sex offenders will help children recognize that the
31 adult is to blame. Mandatory imprisonment will also
32 help with the treatment of child sex offenders. Many
33 of these offenders seek to avoid responsibility for
34 their crimes by refusing to admit that their actions
35 were abnormal and harmful to the children involved.
36 A mandatory jail term may force this recognition so
37 that treatment may begin. Treatment for child sex
38 offenders often cannot occur unless they are under
39 some restraint that requires their attendance at
40 treatment sessions. Mandatory prison terms will ac-

1 comply with this necessary restraint. Finally, mandato-
2 ry imprisonment for sex offenses against children may
3 deter some persons from engaging in this cruel and
4 odious conduct, thus protecting some children who
5 might otherwise be victims

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