

### FIRST REGULAR SESSION

#### ONE HUNDRED AND THIRTEENTH LEGISLATURE

## Legislative Document

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#### NO. 1083

H.P. 809 House of Representatives, April 2, 1987 Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Augusta. Cosponsored by Senators GAUVREAU of Androscoggin, MAYBURY of Penobscot and Representative JOSEPH of Waterville.

#### STATE OF MAINE

## IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Remove Statutory Protection for Those who Sexually Assault Voluntary Social Companions. Be it enacted by the People of the State of Maine as follows: Sec. 1. 17-A MRSA §252, sub-§3, as amended by PL 1985, c. 414, §1, is further amended to read:

9. 3. Rape is a Class A crime. It is not a defense 10 to a prosecution under subsection 1, paragraph В, which--reduces--the-crime-to-a-Class-B-crime that the 11 victim was a voluntary social companion of the de-fendant at the time of the crime and had, on that oc-12 13 14 casion, permitted the defendant sexual contact or 15 voluntarily engaged in sexual contact with the de-16 fendant. · · · · P. J. Standard

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Sec. 2.17-AMRSA §253, sub-§4, as repealed andreplaced by PL 1985, c. 544, is amended to read:

3 Violation of subsection 1 is a Class A crime. 4 4 It is not a defense to prosecution under subsection 5 paragraph A, which-reduces-the-crime-to-a-Class-B 1, 6 crime that the other person was a voluntary social 7 companion of the defendant at the time of the offense 8 and had, on that occasion, permitted the defendant 9 sexual contact or voluntarily engaged in sexual con-10 tact with the defendant.

#### STATEMENT OF FACT

12 Currently, under the Maine Revised Statutes, Ti-13 tle 17-A, section 252, subsection 3 and section 253, 14 subsection 4, if an individual has permitted some 15 type of sexual contact with an acquaintance and sub-16 sequently is raped by that same person, the severity 17 of the crime is reduced from a Class A to Class B.

18 These provisions imply that:

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1. If a person has permitted some sexual contact
and is subsequently raped by the same individual, the
rape is somehow less traumatic;

22 2. Victims are in part responsible for the rape; 23 and

Rapists are victims of their own
uncontrollable passions.

From 1983 to 1986, the Maine Coalition on Rape 26 27 has assisted 2,000 victims of sexual assault. The 28 coalition has found that knowing the assailant has 29 made the rape more traumatic, not less. For that reason, it is the opinion of the Maine Coalition on Rape 30 that rape is a crime which cannot be divided into de-31 32 The emotional violation suffered by a victim grees. 33 total, regardless of whether the assailant was a is friend or a stranger. 34

35 It is the intent of this bill to eliminate the 36 reduction of the class of crime from the voluntary

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social companion clause from the rape laws. This change will return the responsibility for the crime to the perpetrators and will make a clear statement to society that sexual violence is unacceptable and without excuse under any circumstances.

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