# MAINE STATE LEGISLATURE

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### (New Draft of H.P. 809, L.D. 1083) FIRST REGULAR SESSION

#### ONE HUNDRED AND THIRTEENTH LEGISLATURE

## Legislative Document

NO. 1693

H.P. 1241 House of Representatives, May 29, 1987 Reported by Representative PARADIS from the Committee on Judiciary and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored 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

follows:  Sec. 1. 17-A MRSA §252, sub-§3, as amended by PI 1985, c. 414, §1, is repealed and the following enacted in its place:  Rape is a Class A crime.  Sec. 2. 17-A MRSA §253, sub-§4, as repealed and	1 2 3 4	AN ACT to Remove Statutory Protection for Those who Sexually Assault Voluntary Social Companions.
8 1985, c. 414, §1, is repealed and the following en- 9 acted in its place:  10 3. Rape is a Class A crime.  11 Sec. 2. 17-A MRSA §253, sub-§4, as repealed and replaced by PL 1985, c. 544, is repealed and the fol-		Be it enacted by the People of the State of Maine as follows:
11 Sec. 2. 17-A MRSA §253, sub-§4, as repealed and replaced by PL 1985, c. 544, is repealed and the fol-	8	Sec. 1. 17-A MRSA §252, sub-§3, as amended by PL 1985, c. 414, §1, is repealed and the following enacted in its place:
12 replaced by PL 1985, c. 544, is repealed and the fol-	10	3. Rape is a Class A crime.
	12	Sec. 2. 17-A MRSA §253, sub-§4, as repealed and replaced by PL 1985, c. 544, is repealed and the following enacted in its place:

STATEMENT OF FACT

3 The original bill did not delete all reference to 4 the voluntary social companion defense from the rape and gross sexual misconduct provisions of the Maine 5 6 Criminal Code. Rather, the bill required the code to contain statements that being a voluntary social com-7 8 panion, as defined in the defense, was not a defense, 9 reducing the classification of the crime, to the 10 crimes of rape and gross sexual misconduct.

11 This new draft entirely strikes the voluntary so-12 cial companion defense out of the code provisions 13 rape and gross sexual misconduct. The defense provides that the crime of rape or gross sexual miscon-14 15 duct may be reduced from a Class A to a Class B crime 16 if the victim was a voluntary social companion of the 17 defendant at the time of the crime and had, on that 18 occasion, permitted the defendant sexual contact 19 voluntarily engaged in sexual contact with the de-20 fendant. Under the new draft, this defense will 21 available to a defendant charged with rape or 22 gross sexual misconduct, nor will any reference 23 the defense appear in the code.

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