

# MAINE STATE LEGISLATURE

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COX  
R. of S.

L.D. 544

(Filing No. S-236)

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STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 217, L.D. 544, Bill, "An Act to Amend the Laws Governing Sexual Assault"

Amend the bill by striking out all of paragraph E (page 1, lines 6 to 12 in L.D.) and inserting in its place the following:

'E. "Compulsion" means the use of physical force, a threat of to use physical force or a combination thereof which that makes a person unable to physically repel the actor or which produces in that person a reasonable fear that death, serious bodily injury or kidnapping might be imminently inflicted upon that person or upon another human being.

"Compulsion" as defined in this paragraph places no duty upon the victim to resist the actor.'

STATEMENT OF FACT

Maine Law Court decisions have repeatedly upheld convictions for compelled sexual assault in which the victim has not resorted to the use of physical force against the actor in an effort to thwart the attack. For example: State v. Levesque, 479 A.2d 1302 (Me. 1984); State v. Ricci, 507 A.2d 587 (Me. 1986); and State v. Warren, 571 A.2d 231 (Me. 1990). In light of such case law, this amendment, which replaces the original bill, clarifies the present statutory definition of compulsion by adding a clear statement that the victim of compelled sexual assault is not required to "fight back" or otherwise resist in any way. The amendment also makes technical changes to that same definition.