

MAINE STATE LEGISLATURE

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R. of S.

L.D. 733

(Filing No. S- 71)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 274, L.D. 733, Bill, "An Act Relating to the Definition of Gross Sexual Assault under the Maine Criminal Code"

Amend the bill by inserting before the statement of fact the following:

FISCAL NOTE

This bill reclassifies the crime of gross sexual assault from a Class C crime to a Class B crime when the other person is unconscious or otherwise incapable of resisting and has not consented to the sexual act. The average length of sentence will increase by an additional one year and 6 months. The projected additional cost to the State for each offender sentenced under the new provisions will be \$33,700. This amount does not include the additional capital expenditures to meet bed space demands.'

STATEMENT OF FACT

This amendment adds a fiscal note to the bill.

The Department of Corrections has prepared the following correctional impact statement pursuant to the Maine Revised Statutes, Title 34-A, section 1402: "L.D. 733 increases the crime classification for violation of Gross Sexual Assault pursuant to Title 17-A, section 253, subsection 2, paragraph D, (persons of diminished capacity) from a Class C offense (maximum sentence 5 years) to a Class B offense (maximum sentence 10 years), given the average length of stay for a Class C crime (1 year, 9 months) and a Class B crime (3 years, 4 months) in a state facility. As a result of this bill, it is projected than an offender would

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2 spend an additional one year and 6 months in prison. The average
cost per day in a state adult facility is \$58. Based on this
4 data, the projected cost to the State for each offender sentenced
under this new provision would be about \$70,600 for the length of
6 the sentence as compared to \$36,900 as a Class C offense. These
projections do not include additional capital to meet bed space
demands."

Reported by Senator Gauvreau for the Committee on Judiciary.
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