

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 733

S.P. 274

Received by the Secretary, February 20, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin

Cosponsored by Senator HOLLOWAY of Lincoln and Representative HASTINGS of Fryeburg.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Relating to the Definition of Gross Sexual Assault under the
Maine Criminal Code.

Printed on recycled paper

115-733-1-91



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

2
4 17-A MRSA §253, sub-§5, as repealed and replaced by PL 1989,
c. 401, Pt. A, §4, is amended to read:

6 5. Violation of subsection 2, paragraph A, B, C, D, E or H
8 is a Class B crime. Violation of subsection 2, paragraph D, F, G
or I is a Class C crime.

10
12 **STATEMENT OF FACT**

14 This bill reclassifies the crime of gross sexual assault
16 when the other person is unconscious or otherwise incapable of
resisting and has not consented to the sexual act. Current law
designates the crime as a Class C crime; this bill makes it a
18 Class B crime.

20 The diminished capacity of the "other person" does not lower
22 the accountability of the actor. As currently written, the law
provides that the severity of the crime is lessened due to the
other person's vulnerability. This bill reverses that concept
24 and does not let the actor escape severe punishment simply
because the victim is more vulnerable.