

MAINE STATE LEGISLATURE

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H. D. 1109

L.D. 1109

(Filing No. H-486)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 823, L.D. 1109, Bill, "An Act to Amend the Sexual Assault Laws"

Amend the bill by striking out all of section 1.

Further amend the bill in section 5 by striking out all of subsection 2 and inserting in its place the following:

'2. Unlawful sexual contact is a Class D crime, except that a violation of subsection 1, paragraph C or H is a Class C crime.'

Further amend the bill by inserting after section 5 the following:

'Sec. 6. 19 MRSA §214, sub-§5, ¶K-1, as enacted by PL 1991, c. 164, §2, is amended to read:

K-1. The existence of a history of domestic abuse between the parents; and

Sec. 7. 19 MRSA §214, sub-§5, ¶K-2 is enacted to read:

K-2. The existence of any history of child abuse by a parent; and

Sec. 8. 19 MRSA §581, sub-§5, ¶K-1, as enacted by PL 1991, c. 164, §4, is amended to read:

K-1. The existence of a history of domestic abuse between the parents; and

COMMITTEE AMENDMENT

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Sec. 9. 19 MRSA §581, sub-§5, ¶K-2 is enacted to read:

K-2. The existence of any history of child abuse by a parent; and

Sec. 10. 19 MRSA §752, sub-§5, ¶K-1, as enacted by PL 1991, c. 164, §6, is amended to read:

K-1. The existence of a history of domestic abuse between the parents; and

Sec. 11. 19 MRSA §752, sub-§5, ¶K-2 is enacted to read:

K-2. The existence of any history of child abuse by a parent; and'

Further amend the bill by renumbering the sections to read consecutively.

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

This bill increases the number of circumstances when unlawful sexual contact, a Class D crime, is enhanced to a Class C crime, which will shift costs from county correctional facilities to state correctional facilities. Sentences of more than 9 months for Class C crimes must be served in a state correctional institution. The cost to the State per sentence is \$42,050 based upon an average length of stay of one year and 9 months. The State also must reimburse counties for sentences served in county jails of 9 months or less for these circumstances pursuant to the Maine Revised Statutes, Title 34-A, section 1210.

The Judicial Department may require additional General Fund appropriations to cover increased indigent defense costs related to these circumstances when the enhancement occurs. The amounts can not be estimated at this time. The collection of additional fines may also increase General Fund revenues by a minor amount.'

STATEMENT OF FACT

This amendment deletes from the bill the expansion of the definition of "sexual act." This amendment retains the recognition that, when compulsion is involved in circumstances of unlawful sexual contact, the crime is more serious and the risk of injury is greater. The bill as amended raises the

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COMMITTEE AMENDMENT "A" to H.P. 823, L.D. 1109

2 classification of unlawful sexual contact to a Class C crime when
physical force or a threat of physical force is used. This gives
4 the elements of the crime of unlawful sexual contact a structure
parallel to the structure of the elements of gross sexual assault.

6 This amendment also addresses an issue raised in L.D. 1243.
A court determining the proper allocation or award of parental
8 rights and responsibilities is required to take into account any
history of domestic abuse between the parents. This amendment
10 requires the court to also consider any history of child abuse,
including sexual abuse, between either parent and the child.

Reported by the Committee on Judiciary
Reproduced and distributed under the direction of the Clerk of the
House
6/1/93 (Filing No. H-486)

COMMITTEE AMENDMENT