

MAINE STATE LEGISLATURE

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JUDICIARY

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

COMMITTEE AMENDMENT "A" to H.P. 919, L.D. 1243, Bill, "An Act Concerning Child Sexual Abuse Laws"

Amend the bill by striking out the title and substituting the following:

'An Act Concerning Sexual Abuse Laws'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place:

'Sec. 1. 17-A MRSA §255, sub-§3 is enacted to read:

3. If the State pleads and proves that an unlawful sexual contact crime included penetration, the sentencing class for that crime is one class higher than it would otherwise be under subsection 2.

FISCAL NOTE

This bill enhances the class of certain crimes by one class, resulting in the upgrade of certain Class D to Class C crimes and the upgrade of certain Class C to Class B crimes, increasing costs to the State's correctional institutions.

Sentences of more than 9 months and, beginning January 1, 1995, more than 12 months, imposed for Class C crimes must be served in a state correctional institution. The cost to the State per sentence is \$45,352 based upon an average length of stay of one year and 9 months.

COMMITTEE AMENDMENT

2 Sentences of more than 9 months and, beginning January 1,
1995, more than 12 months, imposed for Class B crimes must be
4 served in a state correctional institution. The cost to the
State per sentence is \$91,061 based upon an average length of
6 stay of 3 years and 6 months.

8 The State also must reimburse counties for sentences served
in county jails of 9 months or less and, beginning January 1,
1995, 12 months or less, for Class C and B crimes.

10 The Judicial Department may require additional General Fund
12 appropriations to cover indigent defense costs related to these
enhanced crimes. The amounts can not be estimated at this time.
14 The additional workload and administrative costs associated with
these cases in the court system can be absorbed within the
16 budgeted resources of the Judicial Department's administrative
account. The collection of additional fines may also increase
18 General Fund revenue by minor amounts.

20 **STATEMENT OF FACT**

22 This amendment replaces the bill. It elevates by one class
24 each class of any unlawful sexual contact crime, as otherwise
specified under the Maine Revised Statutes, Title 17-A, section
26 255, subsection 2, when the State pleads and proves that the
crime included penetration of the genitals or anus, such as by
28 insertion of a finger or a fist, directly or through clothing.
Although a court may currently use the fact of penetration in its
30 sentencing decision, the current authorized punishment levels can
be inadequate either because of the nature of the imposition or
32 physical or mental harm caused to the victim standing alone, or
inadequate when the facts of penetration are considered along
34 with all the other relevant sentencing factors. It is left to
the prosecutor to plead and prove penetration if a case warrants
36 the heightened punishment category.

38 This amendment also adds a fiscal note to the bill.