

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

M
R & S.

L.D. 1666

DATE: 2/16/96

(Filing No. H- 712)

CRIMINAL JUSTICE

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1216, L.D. 1666, Bill, "An Act to Include Sexual Contact in the Definition of Prostitution"

Amend the bill in section 3 in subsection 2 by striking out all of paragraph G and inserting in its place the following:

'G. Accepting or receiving, or agreeing to accept or receive, a pecuniary benefit pursuant to an agreement or understanding with any person, other than with a patron, whereby he the person participates or he the person is to participate in the proceeds of prostitution.'

Further amend the bill by striking out all of section 4.

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

FISCAL NOTE

This bill may increase prosecutions for Class B and Class D crimes. Sentences of more than 9 months imposed for Class B crimes must be served in a state correctional institution. The cost to the State per sentence is \$88,555 based upon an average length of stay of 2 years and 11 months. The State also must reimburse counties for sentences served in county jails of 9 months or less for Class B crimes.

COMMITTEE AMENDMENT

R. G. S.

COMMITTEE AMENDMENT "A" to H.P. 1216, L.D. 1666

2 If a jail sentence is imposed due to increased prosecutions
4 for a Class D crime, the additional costs to the counties are
6 estimated to be \$83.70 per day per prisoner. These costs are not
8 reimbursed by the State. The number of prosecutions that may
10 result in a jail sentence and the resulting costs to the county
12 jail system are expected to be insignificant.

14 The Judicial Department may require additional General Fund
16 appropriations to cover indigent defense costs related to these
18 new cases. The amounts can not be estimated at this time. The
20 additional workload and administrative costs associated with the
22 minimal number of new cases filed in the court system can be
24 absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may also increase
General Fund revenue by minor amounts.'

STATEMENT OF FACT

20 This amendment strikes from the bill the provision that
22 expanded the crime of indecent conduct to prohibit sexual contact
24 in a public place. The amendment also makes a technical
correction and adds a fiscal note to the bill.

26 The Department of Corrections has prepared the following
28 correctional impact statement pursuant to the Maine Revised
30 Statutes, Title 34-A, section 1402: "L.D. 1666, "An Act to
32 Include Sexual Contact in the Definition of Prostitution," would
expand the use of existing Class B, D and E penalties pursuant to
Title 17-A, chapter 35.

34 Sentences imposed for a Class B offense of more than 9
36 months must be served in a state correctional facility. The
38 average cost to the State per sentence is \$88,555 based on an
average length of stay of 2 years and 11 months. The State also
pays a portion of the cost of sentences for a Class B crime
served in a county jail for 9 months or less.

40 Sentences for a Class D offense must be served in a county
42 jail. The average cost per sentence to the county for a Class D
offense is \$9,960.

44 The department is unable to project the impact on our
46 average daily population as no data is available on the number of
arrest and convictions anticipated as a result of including
sexual contact in this chapter."

COMMITTEE AMENDMENT