

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 598

H.P. 448

House of Representatives, January 30, 1997

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**An Act to Create the Crime of Sexual Misconduct with a Child under 14  
Years of Age.**

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Reported by Representative POVICH for the Criminal Law Advisory Commission under the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Joint Standing Committee on Criminal Justice suggested and printing ordered under Joint Rule 218.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

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

4 **Sec. 1. 17-A MRSA §258** is enacted to read:

6 **§258. Sexual misconduct with a child under 14 years of age**

8 1. A person is guilty of sexual misconduct with a child  
10 under 14 years of age if that person knowingly displays any  
12 sexually explicit materials to another person, not the actor's  
spouse, who has not in fact attained the age of 14 years, with  
the intent to encourage the other person to engage in a sexual  
act or sexual contact.

14 2. As used in this section, "sexually explicit materials"  
16 means any book, magazine, print, negative, slide, motion picture,  
18 videotape or other mechanically reproduced visual material that  
the person knows or should know depicts a person, minor or adult,  
engaging in sexually explicit conduct, as that term is defined in  
Title 17, section 2914, subsection 1.

20 3. Sexual misconduct with a child under 14 years of age is  
22 a Class D crime.

24  
26 **SUMMARY**

28 This bill criminalizes the use of any sexually explicit  
30 materials to encourage a child under 14 years of age to  
participate in or submit to a sexual act or sexual contact.