

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 84

H.P. 71

House of Representatives, January 11, 1999

**An Act to Make It a Crime to Solicit a Child by Means of Computer to
Commit an Unlawful Sexual Act.**

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative McALEVEY of Waterboro.

Cosponsored by Representatives: BAGLEY of Machias, MURPHY of Berwick, O'BRIEN of Augusta, O'NEIL of Saco, PEAVEY of Woolwich, PINKHAM of Lamoine, WHEELER of Bridgewater, Senator: MacKINNON of York.

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

2
4 **Sec. 1. 15 MRSA §5821, sub-§7**, as amended by PL 1989, c. 302,
§2, is further amended to read:

6 **7. Real property.** Except as provided in paragraph A, all
8 real property, including any right, title or interest in the
10 whole of any lot or tract of land and any appurtenances or
12 improvements, which is used or intended for use, in any manner or
14 part, to commit or to facilitate the commission of a violation of
Title 17-A, section 1103 or 1105, which is a Class A, Class B or
Class C crime, with the exception of offenses involving
marijuana.

16 A. ~~Ne-property~~ Property may not be forfeited under this
18 subsection, to the extent of an interest of an owner, by
reason of an act or omission established by that owner to
have been committed or omitted without the knowledge or
consent of that owner. When an owner of property ~~which that~~
20 is that person's primary residence proves by a preponderance
of the evidence that ~~he the owner~~ is the spouse or minor
22 child of the coowner of the primary residence who has used
or intended to use the residence, in any manner or part, to
24 commit or facilitate the commission of a violation of Title
17-A, section 1103 or 1105, the State shall bear the burden
26 of proving knowledge or consent of the spouse or minor child
by a preponderance of the evidence; and

28 **Sec. 2. 15 MRSA §5821, sub-§7-A** is enacted to read:

30 **7-A. Computers.** Except as provided in paragraph A, all
32 computers, as defined in Title 17-A, section 431, subsection 2,
34 and computer equipment, including, but not limited to, printers
36 and scanners, that are used or are attempted to be used in
violation of Title 17-A, section 259.

38 A. Property may not be forfeited under this subsection, to
40 the extent of the interest of an owner, by reason of an act
or omission established by that owner to have been committed
or omitted without the knowledge or consent of the owner; and

42 **Sec. 3. 17-A MRSA §259** is enacted to read:

44 **§259. Solicitation of child by computer to commit a**
46 **prohibited act**

48 **1. A person is guilty of soliciting a child by a computer**
to commit a prohibited act if the person:

2 A. Uses a computer knowingly to solicit, entice, persuade
3 or compel another person to meet with that person;

4 B. Is 16 years of age or older; and

6 C. Knows or believes the other person is less than 16 years
7 of age;

8 D. Is at least 3 years older than the expressed age of the
10 other person; and

12 E. Has the intent to engage in the following prohibited act
14 with the other person:

16 (1) A sexual act as defined in section 251, subsection
17 1, paragraph C;

18 (2) Sexual contact as defined in section 251,
19 subsection 1, paragraph D; or

20 (3) Sexual exploitation of a minor as pursuant to
22 Title 17, section 2922.

24 2. As used in this section, the term "computer" has the
26 same meaning as in section 431, subsection 2.

28 3. Solicitation of a child by a computer to commit a
29 prohibited act is a Class C crime.

30 SUMMARY

32 This bill establishes the crime of solicitation of a child
34 by a computer for the purpose of committing a prohibited act. A
35 person is guilty of soliciting a child by a computer to commit a
36 prohibited act if the person uses a computer to knowingly
37 solicit, entice, persuade or compel another person to meet with
38 that person for the purpose of engaging in a prohibited sexual
39 act, sexual contact or sexual exploitation with that person.

40 The bill also makes subject to the asset forfeiture laws
42 computers and computer equipment that are used or attempted to be
43 used for the solicitation of a child to commit a prohibited act.