

MAINE STATE LEGISLATURE

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77
R. of S.

L.D. 1575

DATE: 5-4-99

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CRIMINAL JUSTICE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1116, L.D. 1575, Bill, "An Act to Criminalize Internet Dissemination of Child Pornography"

Amend the bill in section 1 in subsection 2 in the 3rd line (page 1, line 8 in L.D.) by striking out the following: "attempt."

Further amend the bill by striking out all of sections 2, 4 and 5.

Further amend the bill in section 6 in subsection 1 in the 7th line (page 2, line 10 in L.D.) by striking out the following: "or representation of a minor"

Further amend the bill by striking out all of sections 8 to 14.

Further amend the bill in section 15 by striking out all of the first line (page 3, line 29 in L.D.) and inserting in its place the following:

'Sec. 15. 17 MRSA §2925 is enacted to read:'

Further amend the bill in section 15 by striking out all of that part designated "§2925." (page 3, lines 31 to 36 in L.D.)

Further amend the bill in section 15 in that part designated "§2926." in the first line (page 3, line 40 in L.D.) by striking out the following: "§2926." and inserting in its place the following: '§2925.'

COMMITTEE AMENDMENT

2 Further amend the bill by relettering or renumbering any
4 nonconsecutive Part letter or section number to read
consecutively.

6 Further amend the bill by inserting at the end before the
8 summary the following:

10 FISCAL NOTE

12 This bill may increase prosecutions for Class B crimes.
14 Sentences of more than nine months imposed for Class B crimes
must be served in state correctional institutions. The cost to
16 the State per sentence is \$96,237 based upon an average length of
stay of 3 years and 6 months. The State also must reimburse
18 counties for sentences served in county jails of 9 months or less
for Class B crimes.

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

28 The Department of the Attorney General will incur additional
30 costs to assist in enforcing the violation of aggravated
dissemination of sexually explicit materials and promulgating
32 rules dealing with the forfeiture of equipment used to facilitate
violations. The Department of the Attorney General assumes that
34 the additional activities associated with these changes will be
minimal and the costs associated with these activities can be
36 absorbed within the department's existing budgeted resources.'

38 SUMMARY

40 This amendment retains the expansion of the definition of
42 "disseminate" and the description of the crime of "dissemination
of sexually explicit materials" to cover the dissemination of
44 sexually explicit materials over the Internet. "Attempt" is
deleted from the proposed definition of "disseminate." The
46 amendment deletes the provisions raising the age of persons
protected by the laws from 14 years of age to 18 years of age.
48 It also deletes the proposal to include the "representation" of a
minor in the definition of minor and in the definition of the
50 offense of dissemination of sexually explicit materials.

COMMITTEE AMENDMENT "A" to H.P. 1116, L.D. 1575

2 Proposed authorized methods for determining the age of the person
depicted are also deleted. Changes in defenses and the deletion
of the terms "uncovered or covered" are removed from the bill.
4 This amendment also deletes the proposed new crime of aggravated
dissemination of sexually explicit materials and adds a fiscal
6 note.