

MAINE STATE LEGISLATURE

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R.D.E.

L.D. 2019

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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. 1412, L.D. 2019, Bill, "An Act to Remove the Statute of Limitations for Unlawful Sexual Contact and Sexual Abuse of Minors"

Amend the bill in section 1 in subsection 1 in the 6th line (page 1, line 11 in L.D.) by striking out the following: "for incest," and inserting in its place the following: 'for incest; unlawful sexual contact; sexual abuse of a minor;'

Further amend the bill in section 1 in subsection 1 in the 7th to 10th lines (page 1, lines 12 to 15 in L.D.) by striking out the following: "or prosecutions for unlawful sexual contact or sexual abuse of a minor, or, if the victim had not attained the age of 18 at the time of the crime, prosecutions under section 254, subsection 1, paragraph C,"

Further amend the bill in section 2 in subsection 2 in the 4th line (page 1, line 25 in L.D.) by striking out the following: "for incest," and inserting in its place the following: 'for incest; unlawful sexual contact; sexual abuse of a minor;'

Further amend the bill in section 2 in subsection 2 in the 5th to 8th lines (page 1, lines 26 to 29 in L.D.) by striking out the following: "or prosecutions for unlawful sexual contact or sexual abuse of a minor, or, if the victim had not attained the age of 18 at the time of the crime, prosecutions under section 254, subsection 1, paragraph C,"

Further amend the bill by inserting after section 2 the following:

COMMITTEE AMENDMENT

RWS

2 'Sec. 3. Application. This Act applies to the following
crimes in which the victim has not attained 16 years of age at
the time of the crime:

4
6 1. Unlawful sexual contact and sexual abuse of a minor
committed on or after the effective date of this Act; and

8 2. Unlawful sexual contact and sexual abuse of a minor for
which the prosecution has not yet been barred by the previous
10 statute of limitations in force on the effective date of this
Act.'

12
14 Further amend the bill by inserting at the end before the
summary the following:

16
18 **FISCAL NOTE**

20 This bill may increase prosecutions for Class B, C, D and E
crimes. Sentences of more than nine months imposed for Class B
and C crimes must be served in state correctional institutions.
22 The cost to the State per sentence is \$96,237 based upon an
average length of stay of 3 years and 6 months for a Class B
24 crime and is \$61,894 based upon an average length of stay of 2
years and 3 months for a Class C crime. The State also must
26 reimburse counties for sentences served in county jails of 9
months or less for Class B and C crimes. For Class D and E
28 crimes, if a jail sentence is imposed, the additional costs to
the counties are estimated to be \$82.48 per day per prisoner.
30 These costs are not reimbursed by the State. The number of
prosecutions that may result in a jail sentence and the resulting
32 costs to the county jail system are expected to be insignificant.

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

42
44 **SUMMARY**

46 This amendment eliminates the statute of limitations for
criminal prosecution for unlawful sexual contact or sexual abuse
48 of minors if the victim was under the age of 16. The amendment
also adds an application section and a fiscal note to the bill.