

MAINE STATE LEGISLATURE

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2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

CRIMINAL JUSTICE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 121, L.D. 125, Bill, "An Act to Specify That Possession of Sexually Explicit Materials by Way of the Internet is Criminal"

Amend the bill by inserting after the enacting clause the following:

'Sec. 1. 17 MRSA §2923, sub-§2, as amended by PL 1999, c. 444, §4, is further amended to read:

2. **Presumption.** For the purposes of this section, possession of 10 or more copies of the same book, magazine, newspaper, print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material gives rise to a presumption that the person possesses those items with intent to disseminate.'

Further amend the bill in section 1 in subsection 2 in the first paragraph in the 4th line (page 1, line 9 in L.D.) by inserting after the following: "picture," the following: 'computer data file.'

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

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

COMMITTEE AMENDMENT

R. G. S.

FISCAL NOTE

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24
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This bill may increase prosecutions for Class C crimes. Sentences of more than 9 months imposed for Class C crimes must be served in state correctional institutions. The cost to the State per sentence is \$71,306 based upon an average length of stay of 2 years and 5 months.

This bill may increase prosecutions for Class D crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.36 per day per prisoner. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

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

SUMMARY

This amendment makes all provisions regarding sexually explicit materials consistent by including computer data files to the types of material regulated under the bill.

This amendment also adds a fiscal note.