

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 827

H.P. 627

House of Representatives, February 15, 2001

**An Act Requiring a Mandatory Jail Sentence for a Person Convicted
Twice of Sexual Abuse or Unlawful Sexual Contact.**

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative McNEIL of Rockland.
Cosponsored by Senator McALEVEY of York and
Representatives: LEMOINE of Old Orchard Beach, MacDOUGALL of North Berwick,
McLAUGHLIN of Cape Elizabeth, SCHNEIDER of Durham, SIMPSON of Auburn,
TRAHAN of Waldoboro, WATERHOUSE of Bridgton, Senator: DAVIS of Piscataquis.

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

4 **Sec. 1. 17-A MRSA §254, sub-§4** is enacted to read:

6 4. If an actor convicted of a violation under subsection 1
8 has one or more prior convictions under subsection 1, the court
10 shall sentence the actor to a mandatory term of imprisonment and
12 order the actor to receive counseling. The sentencing class for
violation of subsection 1 is one class higher than it would
otherwise be under subsection 3 if the State pleads and proves
that the actor has been convicted twice or more of crimes under
subsection 1.

14 **Sec. 2. 17-A MRSA §255, sub-§4** is enacted to read:

16 4. If an actor convicted of a violation under subsection 1,
18 paragraph D or I has one or more prior convictions under
20 subsection 1, paragraph D or I the court shall sentence the actor
22 to a mandatory term of imprisonment and order the actor to
24 receive counseling. The sentencing class for violation of
subsection 1, paragraph D or I is one class higher than it would
otherwise be under subsection 2 if the State pleads and proves
that the actor has been convicted twice or more of crimes under
subsection 1, paragraph D or I.

26 **SUMMARY**

28 This bill requires a court to impose a mandatory jail
30 sentence and order counseling for a person convicted of sexual
32 abuse of a minor if that person has one or more prior convictions
34 of sexual abuse of a minor. The bill also requires a court to
36 impose a mandatory jail sentence and order counseling for a
38 person convicted of unlawful sexual contact with a person who
suffers from a mental disability if the person convicted has one
or more prior convictions of that crime. The bill also raises
the sentencing class by one class if the State pleads and proves
that the person has been convicted twice or more for the same
crime.