

MAINE STATE LEGISLATURE

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R.S.

L.D. 1969

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DATE: 3-11-02

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1468, L.D. 1969, Bill, "An Act to Prohibit a Convicted Sexual Offender From Acquiring Custody or Obtaining Visitation Rights Without Adult Supervision"

Amend the amendment by inserting after section 3 the following:

Sec. 4. 19-A MRSA §1653, sub-§6-A is enacted to read:

6-A. Custody and contact limited; convictions for sexual offenses. The award of primary residence and parent-child contact with a person who has been convicted of a child-related sexual offense is governed by this subsection.

A. For the purposes of this section, "child-related sexual offense" means the following sexual offenses if, at the time of the commission of the offense, the victim was under 18 years of age:

- (1) Sexual exploitation of a minor, under Title 17, section 2922;
- (2) Gross sexual assault, under Title 17-A, section 253;
- (3) Sexual abuse of a minor, under Title 17-A, section 254;
- (4) Unlawful sexual contact, under Title 17-A, section 255;
- (5) Visual sexual aggression against a child, under Title 17-A, section 256;

HOUSE AMENDMENT

2 (6) Sexual misconduct with a child under 14 years of
 age, under Title 17-A, section 258; or

4 (7) An offense in another jurisdiction, including, but
6 not limited to, that of a state, federal, military or
8 tribal court, that includes the essential elements of
 an offense listed in subparagraph (1), (2), (3), (4),
 (5) or (6).

10 B. The court may not award primary residence of a minor
12 child to a person convicted of a child-related sexual
 offense.

14 C. The court may award parent-child contact with a minor
16 child to a person convicted of a child-related sexual
18 offense only if there is another person or agency present to
20 supervise the contact. If the court allows a family or
 household member to supervise parent-child contact, the
 court shall establish conditions to be followed during that
 contact. Conditions include, but are not limited to, those
22 that:

24 (1) Minimize circumstances when the family of the
 parent who is a sex offender or sexually violent
 predator would be supervising visits;

26 (2) Ensure that contact does not damage the
28 relationship with the parent with whom the child has
30 primary physical residence;

32 (3) Ensure the safety and well-being of the child; and

34 (4) Require that supervision be provided by a person
36 who is physically and mentally capable of supervising a
 visit and who does not have a criminal history or
 history of abuse or neglect.

38 **Sec. 5. 19-A MRS §1743 is enacted to read:**

40 **§1743. Prohibited custody**

42 Notwithstanding any other provision of this chapter, the
44 court may not award custody of a minor child to a person
 convicted of a child-related sexual offense, as defined in
 section 1653, subsection 6-A.'

46 Further amend the amendment by inserting after section 5 the
48 following:

50 **'Sec. 6. 19-A MRS §1803, sub-§7 is enacted to read:**

2 7. Supervision required; convictions for sexual offenses.
3 Notwithstanding any other provision of this chapter, the court
4 may award a grandparent who is convicted of a child-related
5 sexual offense visitation with a minor grandchild only if there
6 is another person or agency present to supervise the visitation.
7 For purposes of this section, "child-related sexual offense" has
8 the same meaning as in section 1653, subsection 6-A.

10 If the court allows a family or household member to supervise
11 grandparent-child contact, the court shall establish conditions
12 to be followed during that contact. Conditions include, but are
13 not limited to, those that:

14 A. Minimize circumstances when the family of the
15 grandparent who is a sex offender or sexually violent
16 predator would be supervising visits;

17 B. Ensure the safety and well-being of the child; and

18 C. Require that supervision be provided by a person who is
19 physically and mentally capable of supervising a visit and
20 who does not have a criminal history or history of abuse or
21 neglect.'

22 Further amend the amendment by relettering or renumbering
23 any nonconsecutive Part letter or section number to read
24 consecutively.

SUMMARY

25 This amendment prohibits the court from awarding primary
26 custody to a person who is convicted of a child-related sexual
27 offense. The following sexual offenses are child-related sexual
28 offenses if the victim, at the time of the commission of the
29 offense, was under 18 years of age:

- 30 1. Sexual exploitation of a minor;
- 31 2. Gross sexual assault;
- 32 3. Sexual abuse of a minor;
- 33 4. Unlawful sexual contact;
- 34 5. Visual sexual aggression against a child;
- 35 6. Sexual misconduct with a child under 14 years of age; and

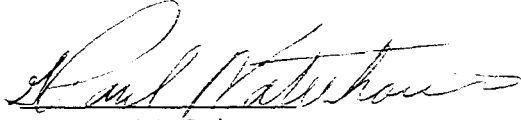
2 7. A similar offense in another jurisdiction.

4 This amendment permits the court to award parent-child
6 contact with a person convicted of a child-related sexual
8 offense, but only if the contact is appropriately supervised.
 The same supervision is required when the court orders visitation
 and contact with a grandparent who is convicted of a
 child-related sexual offense.

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SPONSORED BY: 
(Representative WATERHOUSE)

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TOWN: Bridgton

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