MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1983

H.P. 1482

House of Representatives, December 20, 2001

Willient M. Mac failand

An Act to Protect Children from Sexual Predators.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2001. Referred to the Committee on Criminal Justice pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MENDROS of Lewiston.
Cosponsored by Senator McALEVEY of York and
Representatives: BRUNO of Raymond, CLOUGH of Scarborough, MICHAEL of Auburn,
NORBERT of Portland, RICHARDSON of Brunswick, SCHNEIDER of Durham, Senators:
President BENNETT of Oxford, SAWYER of Penobscot.

	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 17-A MRSA §253, sub-§1, ¶B, as repealed and replaced
4	by PL 1989, c. 401, Pt. A, §4 and amended by PL 2001, c. 383, §14
6	and affected by $\S156$, is repealed and the following enacted in its place:
8	B. The other person, not the actor's spouse, has not in fact attained the age of 16 years. Violation of this
10	paragraph is a Class A crime.
12	Sec. 2. 17-A MRSA §254, sub-§1, ¶A, as amended by PL 1995, c. 104, §1 and amended by PL 2001, c. 383, §21 and affected by §156,
14	is repealed and the following enacted in its place:
16	A. The person engages in a sexual act with another person,
18	not the actor's spouse, who is either 16 or 17 years of age and the actor is at least 5 years older than the other
20	person. Violation of this paragraph is a Class D crime;
22	Sec. 3. 17-A MRSA §254, sub-§2, as amended by PL 1985, c. 495, §10 and amended by PL 2001, c. 383, §21 and affected by §156, is
24	repealed and the following enacted in its place:
26	2. It is a defense to a prosecution under subsection 1, paragraphs A, A-1 and A-2 that the actor reasonably believed the
28	other person to be at least 18 years of age.
20	Sec. 4. 17-A MRSA §255, sub-§1, ¶C, as amended by PL 1989, c.
30	401, Pt. A, §6, is further amended to read:
32	C. The other person, not the actor's spouse, has not in fact attained the age of 14 16 years and the actor is at
34	least 3 years older. This paragraph is repealed January 31, 2003;
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38	Sec. 5. 17-A MRSA $\S255$ -A, sub- $\S1$, $\P\PE$ and F , as enacted by PL 2001, c. 383, $\S23$ and affected by $\S156$, are amended to read:
40	E. The other person, not the actor's spouse, is in fact less than 14 16 years of age and the actor is at least 3
42	years older. Violation of this paragraph is a Class C crime;
44	F. The other person, not the actor's spouse, is in fact
46	less than 14 16 years of age and the actor is at least 3 years older and the sexual contact includes penetration.
4.0	Violation of this paragraph is a Class B crime;
48	Sec. 6. 17-A MRSA §258, as enacted by PL 1997, c. 143, §1, is
50	amended to read:

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§258. Sexual misconduct with a child under 16 years of age

- 1. A person is guilty of sexual misconduct with a child under 14 16 years of age if that person, having in fact attained 18 years of age knowingly displays any sexually explicit materials to another person, not the actor's spouse, who has not in fact attained the age of 14 16 years, with the intent to encourage the other person to engage in a sexual act or sexual contact.
- 2. As used in this section, "sexually explicit materials" means any book, magazine, print, negative, slide, motion picture, videotape or other mechanically reproduced visual material that the person knows or should know depicts a person, minor or adult, engaging in sexually explicit conduct, as that term is defined in Title 17, section 2921, subsection 5.
- 3. Sexual misconduct with a child under $14 \ \underline{16}$ years of age is a Class D crime.
- Sec. 7. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 17-A, section 255-A, subsection 1, paragraphs E and F as enacted by Public Law 2001, chapter 383, section 23 and affected by section 156 takes effect January 31, 2003.

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SUMMARY

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This bill raises the age of sexual consent to 16 years of age for the crimes of gross sexual assault, sexual abuse of a minor, unlawful sexual contact and sexual misconduct with a child.