

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 528, L.D. 722, Bill, "An Act To Protect Children 14 and 15 Years of Age from Sexual Contact with Adults"

Amend the bill by striking out the title and substituting the following:

'An Act To Protect Children from Unlawful Sexual Touching'

Further amend the bill by inserting after the enacting clause the following:

'Sec. 1. 17-A MRSA §251, sub-§1, ¶G is enacted to read:

G. "Sexual touching" means any touching of the breasts, buttocks, groin or inner thigh, directly or through clothing, for the purpose of arousing or gratifying sexual desire or for the purpose of causing bodily injury or offensive physical contact.'

Further amend the bill by inserting after section 3 the following:

'Sec. 4. 17-A MRSA §260 is enacted to read:

§260. Unlawful sexual touching

1. Unlawful sexual touching. A person is guilty of unlawful sexual touching if the actor intentionally subjects another person to any sexual touching and:

COMMITTEE AMENDMENT

R. 858

COMMITTEE AMENDMENT "A" to H.P. 528, L.D. 722

- 2 A. The other person has not expressly or impliedly
3 acquiesced in the sexual touching. Violation of this
4 paragraph is a Class D crime;

- 6 B. The other person is unconscious or otherwise physically
7 incapable of resisting and has not consented to the sexual
8 touching. Violation of this paragraph is a Class D crime;

- 10 C. The other person, not the actor's spouse, is in fact
11 less than 14 years of age and the actor is at least 5 years
12 older. Violation of this paragraph is a Class D crime;

- 14 D. The other person suffers from a mental disability that
15 is reasonably apparent or known to the actor that in fact
16 renders the other person substantially incapable of
17 appraising the nature of the touching involved or of
18 understanding that the other person has the right to deny or
19 withdraw consent. Violation of this paragraph is a Class D
20 crime;

- 22 E. The other person, not the actor's spouse, is in official
23 custody as a probationer or parolee or is detained in a
24 hospital, prison or other institution and the actor has
25 supervisory or disciplinary authority over the other
26 person. Violation of this paragraph is a Class D crime;

- 28 F. The other person, not the actor's spouse, is in fact
29 less than 18 years of age and is a student enrolled in a
30 private or public elementary, secondary or special education
31 school, facility or institution and the actor is a teacher,
32 employee or other official having instructional, supervisory
33 or disciplinary authority over the student. Violation of
34 this paragraph is a Class D crime;

- 36 G. The other person is in fact less than 18 years of age
37 and the actor is a parent, stepparent, foster parent,
38 guardian or other similar person responsible for the
39 long-term general care and welfare of that other person.
40 Violation of this paragraph is a Class D crime;

- 42 H. The other person submits as a result of compulsion.
43 Violation of this paragraph is a Class D crime;

- 44 I. The actor owns, operates or is an employee of an
45 organization, program or residence that is operated,
46 administered, licensed or funded by the Department of
47 Behavioral and Developmental Services or the Department of
48 Human Services and the other person, not the actor's spouse,
49 receives services from the organization, program or
50 residence and the organization, program or residence

COMMITTEE AMENDMENT

2 recognizes that other person as a person with mental
4 retardation. It is an affirmative defense to prosecution
6 under this paragraph that the actor receives services for
8 mental retardation or is a person with mental retardation as
10 defined in Title 34-B, section 5001, subsection 3.
12 Violation of this paragraph is a Class D crime; or

14 J. The other person, not the actor's spouse, is in fact
16 less than 18 years of age and is a student enrolled in a
18 private or public elementary, secondary or special education
20 school, facility or institution and the actor, who is at
22 least 21 years of age, is a teacher, employee or other
24 official in the school district, school union, educational
26 unit, school, facility or institution in which the student
28 is enrolled. Violation of this paragraph is a Class E
30 crime.'

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

SUMMARY

This amendment changes the title of the bill and creates the
new crime of unlawful sexual touching. "Sexual touching" means
any touching of the breasts, buttocks, groin or inner thigh,
directly or through clothing, for the purpose of arousing or
gratifying sexual desire or for the purpose of causing bodily
injury or offensive physical contact. The crime of unlawful
sexual touching is modeled after the current crime of unlawful
sexual contact.

FISCAL NOTE REQUIRED
(See attached)

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 722

**An Act To Protect Children 14 and 15 Years of Age from Sexual Contact
with Adults**

LR 1000(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes Class D and E crimes.