

			STATE LAW LIST AUGUSTA. MAINE	
		L.D. 242	OGUSTA. MAINE	r
2	DATE: 4-12-05	(Filing No. H-		
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6	Reproduced and distributed under the the House.	direction of th	e Clerk of	
8 10 12	STATE OF MAI HOUSE OF REPRESEN 122ND LEGISLAT FIRST SPECIAL SE	TATIVES URE		
14	HOUSE AMENDMENT " A " to committee			
16	HOUSE AMENDMENT " M " to COMMITTEE L.D. 242, Bill, "An Act To Amend the Ma			
18	Amend the amendment by striking out all of the 2nd, 3rd and 4th indented paragraphs after the title (page 1, lines 24 to 37 in and investign in their place the following:			
20	in amendment) and inserting in their pl	ace the followin	d:	
22 24	'Further amend the bill by striking out all of sections 4 and 5 and inserting in their place the following:			
26	'Sec. 4. 15 MRSA §3105-A, sub-§1, 222, §2, is amended to read:	as enacted by P	РL 1987, с.	
28	1. Expiration of limitation; defe			
30	prosecution was commenced after the ex period of limitations provided in thi that a prosecution for the juvenile c	s section, provi	ided <u>except</u>	
32	homicide in the first or 2nd degree	may be commen	ced at any	
34	time. <u>It is a defense that prosecutions a securion of the applicable period c</u>	of limitations p	provided in	
36	this section, except that if the victim of age at the time of the crime and th			
	years of age, a prosecution for the	juvenile crime d	of unlawful	
38	<u>sexual contact under Title 17-A, form</u> 255-A or gross sexual assault under T			
40	be commenced at any time if the att	orney for the S	State first	
42	presents evidence based on DNA, as de the court in a closed hearing that in the crime by a preponderance of the evi	mplicates the de		

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HOUSE AMENDMENT "/" to COMMITTEE AMENDMENT "A" to H.P. 181, L.D. 242

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Sec. 5. 15 MRSA §3105-A, sub-§2, \P C, as amended by PL 1995, c. 470, §5, is further amended to read:

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C. A prosecution for conduct specified in section 3103, subsection 1, paragraph B, C, D, E $\Theta F_{,}$ F <u>or H</u> must be commenced within one year after it is committed.' '

Further amend the amendment in section 8 by striking out all 10 of the first paragraph (page 2, lines 14 to 18 in amendment) and inserting in its place the following:

'Sec. 8. Application. That section of this Act that amends the Maine Revised Statutes, Title 15, section 3105-A, subsection applies to the following juvenile crimes in which the victim had not attained 16 years of age at the time of the crime and the juvenile had attained 16 years of age:'

SUMMARY

This amendment removes language that eliminates the statute of limitations for the juvenile crimes of unlawful sexual contact and gross sexual assault in cases in which the victim had not attained 16 years of age at the time of the crime and the juvenile had attained 16 years of age. The amendment provides instead that the statute of limitations does not apply to such crimes if the attorney for the State first presents evidence based on DNA to the court in a closed hearing that implicates the defendant in the crime by a preponderance of the evidence.

32	See Attached)
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38	SPONSORED BY:
	(Representative FAIRCLOTH)
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	TOWN: Bangor
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HOUSE AMENDMENT



122nd MAINE LEGISLATURE

LD 242

LR 1856(04)

An Act To Amend the Maine Juvenile Code

Fiscal Note for House Amendment " " to Committee Amendment " " Sponsor: Rep. Faircloth Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund

Correctional and Judicial Impact Statements

This amendment will reduce the number of new cases the committee amendment would have allowed. Overall, the bill as amended would continue to result in an increase in filings of the juvenile crime of unlawful sexual contact and gross sexual assault