

MAINE STATE LEGISLATURE

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L.D. 242

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DATE: 4/5/05

(Filing No. H-114)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 181, L.D. 242, Bill, "An Act To Amend the Maine Juvenile Code"

Amend the bill by striking out all of sections 1 to 3.

Further amend the bill in section 4 in subsection 1 in the 3rd line from the end (page 1, line 36 in L.D.) by inserting after the following: "Title 17-A," the following: 'former section 255 or'

Further amend the bill in section 5 in subsection 2 in the first paragraph in the 3rd line from the end (page 1, line 47 in L.D.) by inserting after the following: "Title 17-A," the following: 'former section 255 or'

Further amend the bill in section 5 in subsection 2 in paragraph C in the 2nd line (page 2, line 11 in L.D.) by striking out the following: "or F" and inserting in its place the following: 'or F or H'

Further amend the bill in section 6 in subsection 4 in the 3rd line (page 2, line 19 in L.D.) by striking out the following: "E, F, G, H or I" and inserting in its place the following: 'D, E, F, G or H'

Further amend the bill in section 6 in subsection 4 in the 6th line (page 2, line 22 in L.D.) by striking out the following: "B, C or D" and inserting in its place the following: 'B or C'

COMMITTEE AMENDMENT

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

Further amend the bill in section 7 in subsection 5 in paragraph A in the 3rd line (page 2, line 34 in L.D.) by striking out the following: "E, F, G, H or I" and inserting in its place the following: 'D, E, F, G or H'

Further amend the bill in section 7 in subsection 5 in paragraph A in the 6th line (page 2, line 37 in L.D.) by striking out the following: "B, C or D" and inserting in its place the following: 'B or C'

Further amend the bill by inserting after section 7 the following:

'Sec. 8. Application. Those sections of this Act that amend the Maine Revised Statutes, Title 15, section 3105-A, subsections 1 and 2 apply 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:

1. The juvenile crime of unlawful sexual contact and gross sexual assault committed on or after the effective date of this Act; and

2. The juvenile crime of unlawful sexual contact or gross sexual assault for which the prosecution has not yet been barred by the previous statute of limitations in force on the effective date of this Act.'

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

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment does the following.

1. It adds the former crime of unlawful sexual contact under the Maine Revised Statutes, Title 17-A, section 255 to the list of sex offenses for which the statute of limitations is being repealed. Title 17-A, section 255 was repealed and Title 17-A, section 255-A enacted in its place pursuant to Public Law 2001, chapter 383.

2. It adds to the list of juvenile crimes for which prosecution must be commenced within one year after being committed the willful refusal to obey a court order resulting from a conviction of a crime for a violation of a provision of

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

2 Title 12 or Title 29-A that is not specifically included in the
list of juvenile crimes in Title 15, section 3103, subsection 1,
4 paragraph E or F.

6 3. It returns the juvenile crime in Title 15, section 3103,
subsection 1, paragraph D to the list of crimes requiring proof
8 beyond a reasonable doubt. This crime was inadvertently added to
the list of crimes requiring proof by a preponderance of the
10 evidence.

12 4. It adds an application section to specify that the
repeal of the statute of limitations applies to juvenile crimes
14 of unlawful sexual contact and gross sexual assault committed on
or after the effective date of the Act and to juvenile crimes of
16 unlawful sexual contact and gross sexual assault not already
barred by the previous statute of limitations.

18 **FISCAL NOTE REQUIRED**
20 **(See attached)**

COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 242

LR 1856(02)

An Act To Amend the Maine Juvenile Code

Fiscal Note for Bill as Amended by Committee Amendment '4'

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Correctional and Judicial Impact Statements

Eliminates certain statutes of limitation which may increase filings of the juvenile crime of unlawful sexual contact and gross sexual assault.