

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 554

H.P. 409

House of Representatives, February 3, 2005

An Act To Strengthen Probation Requirements for Convicted Sex Offenders

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BERUBE of Lisbon.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and
Representatives: BROWNE of Vassalboro, JACOBSEN of Waterboro, LANSLEY of Sabattus,
SHIELDS of Auburn, SYKES of Harrison, VAUGHAN of Durham.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §1202, sub-§1-A, as amended by PL 2003, c. 711, Pt. A, §12 and Pt. B, §§14 to 16, is further amended to read:

1-A. Notwithstanding subsection 1:

A. If the State pleads and proves that at the time of the crime the victim had not attained 12 years of age, the period of probation for a person convicted under chapter 11 or 12 may not exceed:

- (1) Eighteen years for a Class A crime;
- (2) Twelve years for a Class B crime; and
- (3) Six years for a Class C crime;

A-1. If the State pleads and proves that the person was convicted of committing against a family or household member a crime under chapter 9 or 13 or section 554 or if the person was convicted under chapter 11 or 12 or section 556, the period of probation may not exceed:

- (1) Six years for a Class A crime; or
- (2) Four years for a Class B or Class C crime.

As used in this paragraph, "family or household member" has the same meaning as in Title 19-A, section 4002, subsection 4; and

B. The period of probation is life for a person sentenced as a repeat sexual assault offender pursuant to section 1252, subsection 4-B ~~is any term of years~~; and

B-1. The period of probation is life for a person convicted under former Title 17, section 2922; former Title 17, section 2923; former Title 17, section 2924; chapter 11; chapter 12; former section 255; section 301, unless the actor is a parent of the victim; section 302, unless the actor is a parent of the victim; section 511, subsection 1, paragraph D; section 556; section 852, subsection 1, paragraph B; section 855; or a violation of an offense in another jurisdiction, including, but not limited to, a state, federal, military or tribal court, that includes the essential elements of an offense listed in this paragraph, and who has previously been convicted and sentenced for committing one of the crimes in this paragraph; and

2 C. In the case of a crime of gross sexual assault, if the
4 State pleads and proves that at the time of the crime the
6 victim had not attained 12 years of age and that the
8 defendant has previously been convicted and sentenced for
10 committing gross sexual assault, rape or gross sexual
12 misconduct against a victim who had not attained 12 years of
age, the period of probation ~~may be~~ is life ~~or any term of~~
years. In addition to any conditions imposed under section
1204, the court shall attach as a condition of probation
that the convicted person participate in counseling or
treatment to the satisfaction of the probation officer.

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SUMMARY

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18 This bill increases the period of probation to life for
persons convicted of more than one sex offense.