

# MAINE STATE LEGISLATURE

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m  
R. d. S.

L.D. 1717

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DATE: 4-13-06

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
SECOND REGULAR SESSION

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HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1224, L.D. 1717, Bill, "An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age"

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Amend the amendment in the first paragraph after the title (page 1, lines 23 to 31 in amendment) by striking out the following: "in section 1 in paragraph C in the 3rd to 7th lines (page 1, lines 8 to 12 in L.D.) by striking out the following: "and that the defendant has previously been convicted and sentenced for committing gross sexual assault, rape or gross sexual misconduct against a victim who had not attained 12 years of age" and inserting in its place the following: 'and that the defendant--has--previously--been--convicted--and--sentenced--for committing--gross--sexual--assault,--rape--or--gross--sexual--misconduct against--a--victim--who--had--not--attained--12--years--of--age' " and inserting in its place the following: 'by striking out everything after the enacting clause and before the summary and inserting in its place the following:

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'Sec. 1. 17-A MRSA §1202, sub-§1-A, ¶C, as enacted by PL 2003, c. 711, Pt. B, §16, is amended to read:

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C. In the case of a crime of gross sexual assault, if the State pleads and proves that at the time of the crime the victim had not attained 12 years of age and--that--the defendant--has--previously--been--convicted--and--sentenced--for committing--gross--sexual--assault,--rape--or--gross--sexual 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 following a term of imprisonment under section 1252,

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HOUSE AMENDMENT

R. of S.

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1224,  
L.D. 1717

2 unless there is no term of imprisonment imposed, in which  
3 case the period of probation begins following conviction.  
4 In addition to any conditions imposed under section 1204,  
5 the court shall attach as a condition of probation that the  
6 convicted person participate in counseling or treatment to  
7 the satisfaction of the probation officer and that the  
8 person be subject to supervision by a probation officer that  
9 includes the best available monitoring technology for the  
10 duration of the term of probation.

11 **Sec. 2. 17-A MRSA §1252, sub-§4-D**, as enacted by PL 2003, c.  
12 711, Pt. B, §20, is amended to read:

13 **4-D.** If the State pleads and proves that a crime under  
14 ~~section 253, subsection 1, paragraph C or F~~ or under section 282,  
15 subsection 1, paragraph C or F was committed against a person who  
16 had not attained 12 years of age at the time of the offense, the  
17 age of the victim must be given serious consideration by the  
18 court in exercising its sentencing discretion.

19 **Sec. 3. 17-A MRSA §1252, sub-§4-E** is enacted to read:

20 **4-E.** If the State pleads and proves that a crime under  
21 section 253 was committed against a person who had not yet  
22 attained 12 years of age, the court, notwithstanding subsection  
23 2, shall impose a definite period of imprisonment for any term of  
24 years. In determining the basic term of imprisonment pursuant to  
25 section 1252-C, the court shall select a period of 20 years.'

## 30 SUMMARY

31 This amendment replaces the bill with the essential elements  
32 of L.D. 2108.

33 As amended, the bill requires a court, in a case involving  
34 gross sexual assault against a victim who has not yet attained 12  
35 years of age, to specify a term of imprisonment for any term of  
36 years, including a term that exceeds 30 years, which is the  
37 maximum allowed for a Class A crime. In making its  
38 determination, the court is required to start with a basic period  
39 of imprisonment of 20 years; using that term as a starting point,  
40 the court may then increase or decrease the term of imprisonment  
41 based upon all other relevant sentencing factors, both  
42 aggravating and mitigating, appropriate to that case. These  
43 sentencing factors include, but are not limited to, the character  
44 of the offender and the offender's criminal history, the effect  
45 of the offense on the victim and the protection of the public  
46 interest.

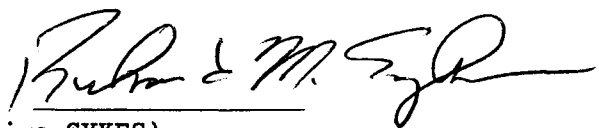
R. of S.

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1224,  
L.D. 1717

2 This amendment also imposes probation for life for persons  
convicted of gross sexual assault against persons who have not  
4 attained 12 years of age and requires that these persons, when  
released from prison, be subject to supervision by the Department  
6 of Corrections that includes electronic monitoring for the  
duration of the probation.

FISCAL NOTE REQUIRED  
(See attached)

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SPONSORED BY:   
(Representative SYKES)

TOWN: Harrison

# HOUSE AMENDMENT



Approved: 04/12/06 *MAC*

# 122nd MAINE LEGISLATURE

LD 1717

LR 2770(15)

**An Act to Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses  
against Victims under 12 Years of Age**

**Fiscal Note for House Amendment "A" to Committee Amendment "A"**

**Sponsor: Rep. Sykes**

**Fiscal Note Required: Yes**

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## Fiscal Note

Potential decrease of future biennium cost - General Fund

### **Correctional and Judicial Impact Statements:**

This amendment reduces the required start period of imprisonment from 25 years to 20 years, allows a court to increase or decrease the term of imprisonment depending on certain relevant factors and requires electronic monitoring for probation. These changes may reduce the increased future correctional costs the bill creates.