

# MAINE STATE LEGISLATURE

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DATE: 3/1/06

L.D. 1717  
(Filing No. H-795)

CRIMINAL JUSTICE AND PUBLIC SAFETY  
Report C

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

COMMITTEE AMENDMENT "B" 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"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 17-A MRSA §1252, sub-§4-E is enacted to read:

4-E. 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 court, notwithstanding any other provision of this code, shall impose a minimum term of imprisonment of 25 years, none of which may be suspended.

SUMMARY

This amendment replaces the bill and is one of 2 minority reports of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment creates at least a 25-year minimum mandatory sentence of imprisonment for a 2nd offense of gross

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

sexual assault against a person who has not attained 12 years of age.

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**FISCAL NOTE REQUIRED**  
(See attached)



# 122nd MAINE LEGISLATURE

LD 1717

LR 2770(03)

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

**Fiscal Note for Bill as Amended by Committee Amendment "B"**

**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

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## Fiscal Note

Current biennium cost increase - General Fund

Future biennium cost increase - General Fund

### Correctional and Judicial Impact Statements

Establishing a 25 year minimum mandatory sentence for violators who have been convicted of certain sex offenses against persons who have not attained 12 years of age will result in additional future costs to the Department of Corrections. Approximately 20 people are sentenced to this crime each year. It is currently unknown how many are second offenders. If we assume 5 are second offenders and the average sentence is 5 years, this legislation adds approximately 20 years to each sentence and will result in additional costs, including the compound effect of sentences in subsequent years, of an estimated \$175,000 in fiscal year 2010-11, \$350,000 in fiscal year 2011-12, \$525,000 in fiscal year 2012-13, etc. The compounding would continue through the 25th year when costs would level off.

The Judicial Department has indicated that mandatory minimum sentences will result in fewer cases being resolved without trial, increasing trial and sentencing costs due to additional time requirements for judges, clerks, law clerks, security, court report.