

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 4-27-06

(Filing No. H-1062)

Reproduced and distributed under the direction of the Clerk of the House.

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "C" 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 amendment by striking out everything after the 2nd indented paragraph and before the summary and inserting in its place the following:

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

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. 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 and that the person be subject to supervision by a probation officer that includes the best available monitoring technology for the duration of the term of probation.

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

4-D. If the State pleads and proves that a crime under ~~section 253, subsection 1, paragraph C or under~~ section 282,

HOUSE AMENDMENT

2 subsection 1, paragraph C or F was committed against a person who
had not attained 12 years of age at the time of the offense, the
age of the victim must be given serious consideration by the
4 court in exercising its sentencing discretion.

6 **Sec. 3. 17-A MRSA §1252, sub-§§4-E and 4-F** are enacted to read:

8 4-E. In the case of a crime of gross sexual assault, if the
9 State pleads and proves that at the time of the crime the victim
10 had not attained 12 years of age, the court, notwithstanding any
11 other provision of this code, shall impose a minimum term of
12 imprisonment of 25 years, none of which may be suspended. When a
13 person sentenced under this subsection is released from
14 incarceration, the Department of Corrections shall supervise that
15 person using the best available monitoring technology pursuant to
16 section 1202.

18 4-F. In the case of a crime of gross sexual assault, if the
19 State pleads and proves that at the time of the crime the victim
20 had not attained 12 years of age and that the defendant has
21 previously been convicted and sentenced for committing gross
22 sexual assault, rape or gross sexual misconduct against a victim
23 who had not attained 12 years of age, the court, notwithstanding
24 any other provision of this code, shall impose a term of
25 imprisonment for life, none of which may be suspended.'

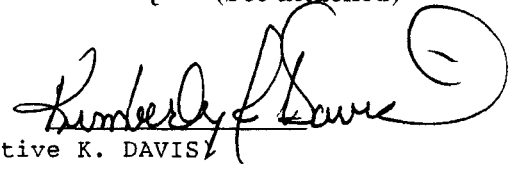
26
28 **SUMMARY**

30 This amendment creates a 25-year minimum mandatory sentence
of imprisonment followed by probation for life for persons
32 convicted of gross sexual assault against persons who have not
attained 12 years of age and requires that these persons, when
34 released from prison, be subject to supervision by the Department
of Corrections that includes electronic monitoring for the
36 duration of the probation. The amendment also creates a
mandatory life sentence of imprisonment for a person convicted of
38 gross sexual assault against another person who has not attained
12 years of age if that person has a prior conviction for gross

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

sexual assault, rape or gross sexual misconduct against a victim
who had not attained 12 years of age.

FISCAL NOTE REQUIRED
(See attached)

SPONSORED BY: 
(Representative K. DAVIS)

TOWN: Augusta



Approved: 04/26/06 *MAC*

122nd MAINE LEGISLATURE

LD 1717

LR 2770(18)

**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 "C"

Sponsor: Rep. Davis

Fiscal Note Required: Yes

Fiscal Note

Potential future biennium cost increase - General Fund

Correctional and Judicial Impact Statements

This amendment increases the term of imprisonment from a start period of 20 years adjusted up or down with electronic monitoring for life to a minimum mandatory sentence of 25 years with electronic monitoring for the probation period. The net fiscal effect of this amendment can not be determined but would most likely be an increase to the Department of Corrections.