

MAINE STATE LEGISLATURE

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L.D. 1717

DATE: 4-27-06

(Filing No. H-1075)

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

HOUSE AMENDMENT "F" 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 all of the first 4 lines after the title (page 1 lines 23 to 27 in amendment)

Further amend the amendment in the 2nd indented paragraph after the title in the first line (page 1, line 29 in amendment) by striking out the following: "Further amend" and inserting in its place the following: 'Amend'

Further amend the amendment by inserting before section 1 the following:

'Sec. 1. 17-A MRSA §253-A is enacted to read:

§253-A. Aggravated gross sexual assault

1. Notwithstanding section 253, a person is guilty of aggravated gross sexual assault if that person engages in a sexual act with another person who has not in fact attained 12 years of age and who submits as a result of compulsion. Violation of this subsection is a Class A crime.'

Further amend the amendment in section 2 in §1231 in subsection 1-A in the 3rd line (page 2, line 1 in amendment) by inserting after the following: "paragraph C" the following: 'or section 253-A'

HOUSE AMENDMENT

ADS

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

Further amend the amendment in section 2 in §1231 in subsection 2 in paragraph B in the 2nd line (page 2, line 15 in amendment) by striking out the following: "or 4-E" and inserting in its place the following: ', 4-E or 4-F'

Further amend the amendment in section 2 in §1231 in subsection 2 in paragraph C in the 2nd line (page 2, line 21 in amendment) by inserting after the following: "4-E" the following: 'or 4-F'

Further amend the amendment by inserting after section 4 the following:

'Sec. 5. 17-A MRSA §1252, sub-§4-F is enacted to read:

4-F. In the case of a crime of aggravated gross sexual assault under section 253-A, 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. When a person sentenced under this subsection is released from incarceration, the Department of Corrections shall supervise that person using the best available monitoring technology pursuant to section 1202.'

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

SUMMARY

This amendment creates the new crime of aggravated gross sexual assault. A person is guilty of aggravated gross sexual assault if that person engages in a sexual act with another person who has not yet attained 12 years of age and who submits as a result of the use of physical force, a threat to use physical force or a combination thereof that makes the other person unable to physically repel the actor or produces in that other person a reasonable fear that death, serious bodily injury or kidnapping might be imminently inflicted upon that other person or another human being. A violation of aggravated gross sexual assault is subject to a minimum sentence of incarceration of 25 years, none of which may be suspended. When released from

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prison, a person convicted of aggravated gross sexual assault is
subject to supervision, including electronic monitoring, by the
Department of Corrections for the duration of the probation.

FISCAL NOTE REQUIRED
(See attached)

SPONSORED BY:

(Representative Jordan D. Hardy)

TOWN: Newport



122nd MAINE LEGISLATURE

LD 1717

LR 2770(19)

**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 "*F*" to Committee Amendment "*C*"

Sponsor: Rep. Tardy

Fiscal Note Required: Yes

Fiscal Note

Potential future biennium cost increase - General Fund

Correctional and Judicial Impact Statements

This amendment keeps the term of imprisonment for a start period of 20 years adjusted up or down with electronic monitoring for life and adds a new crime of aggravated gross sexual assault with a minimum sentence of 25 years with electronic monitoring for the probation period for certain acts involving submission as a result of compulsion. The net fiscal effect of this amendment can not be determined but would most likely be an increase to the Department of Corrections.