MAINE STATE LEGISLATURE

The following document is provided by the

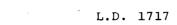
LAW AND LEGISLATIVE DIGITAL LIBRARY

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)





2	DATE: 4-6-06 (Filing No. H-970)								
4									
6	Reproduced and distributed under the direction of the Clerk of the House.								
8	STATE OF MAINE								
10	STATE OF MAINE HOUSE OF REPRESENTATIVES 122ND LEGISLATURE								
12	SECOND REGULAR SESSION								
14	HOUSE AMENDMENT " \mathcal{B} " to H.P. 1224, L.D. 1717, Bill, "An Act								
16	To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age"								
18									
20	Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:								
22									
24	'Sec. 1. 17-A MRSA §253-A is enacted to read:								
24	§253-A. Aggravated gross sexual assault								
26									
28	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								
30	years of age and who submits as a result of compulsion. Violation of this subsection is a Class A crime.								
32									
34	Sec. 2. 17-A MRSA §1202, sub-§1-A, ¶C, as enacted by PL 2003, c. 711, Pt. B, §16, is amended to read:								
36	C. In the case of a crime of gross sexual assault or								
38	aggravated 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								
40	previously been convicted and sentenced for committing gross								
42	sexual assault, <u>aggravated gross sexual assault</u> , rape or gross sexual misconduct against a victim who had not								
44	attained 12 years of age, the period of probation may be life or any term of years <u>following a term of imprisonment under section 1252</u> . In addition to any conditions imposed								

Page 1-LR2770(6)



		0					
HOUSE	AMENDMENT	"/5"	to	н.Р.	1224,	L.D.	1717

under secti	on 1204, the	he cour	t shall	attach	as a	condition	n of
probation	that the	conv	icted	person	part	cicipate	in
counseling	or treatmen	nt to t	he sati	sfaction	of t	he proba	tion
officer and	l that the	person	be sub	ject to	supe	rvision 1	by a
probation	officer	that	include	s the	best	t avail	able
monitoring	technology	for	the du	ration	of t	he term	of
probation.							

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

10

12

14

16

2

4

6

8

4-E. In the case of a crime of aggravated gross sexual assault, 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.'

18

20

22

24

26

28

30

32

34

SUMMARY

This amendment replaces the bill and 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 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.

38

40

36

FISCAL NOTE REQUIRED (See attached)

42

44

SPONSORED BY:

46

48

TOWN: Newport

50

Page 2-LR2770(6)

HOUSE AMENDMENT



122nd MAINE LEGISLATURE

LD 1717

LR 2770(06)

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 '\'\''

Sponsor: Rep. Tardy

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Correctional and Judicial Impact Statements:

Establishes a new Class A crime

The incremental fiscal impact of this amendment on the bill is not significant. As amended, the bill would continue to have substantial correctional and judicial costs.