

# MAINE STATE LEGISLATURE

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

HOUSE 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 §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.

Sec. 2. 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 or 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 previously been convicted and sentenced for committing gross sexual assault, aggravated 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 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. 3. 17-A MRSA §1252, sub-§4-E is enacted to read:

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.'

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.

FISCAL NOTE REQUIRED (See attached)

SPONSORED BY: [Signature] (Representative TARDY) TOWN: Newport



# 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 "B"**

**Sponsor: Rep. Tardy**

**Fiscal Note Required: Yes**

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## 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.