

# MAINE STATE LEGISLATURE

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DATE: 4-10-06

(Filing No. H-979)

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

HOUSE AMENDMENT "D" 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 inserting before section 1 the following:

'Sec. 1. 17-A MRSA §253, sub-§1, ¶C, as enacted by PL 2003, c. 711, Pt. B, §2, is amended to read:

C. The other person, not the actor's spouse, has not in fact attained 12 years of age. Violation of this paragraph is a Class A crime, except that, notwithstanding section 1252, subsection 2, the sentence for a violation of this paragraph is a definite period of imprisonment for any term of years.'

Further amend the bill by striking out all of sections 3 and 4 and inserting in their place the following:

'Sec. 3. 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, the court, in determining the basic term of imprisonment pursuant to section 1252-C, shall select a period of 20 years.'

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

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**SUMMARY**

This amendment strikes the provisions of the bill that apply a 25-year sentence of imprisonment to a person who commits gross sexual assault against a victim who has not yet attained 12 years of age and a life sentence of imprisonment for a person who has previously been convicted of committing gross sexual assault against a victim who has not yet attained 12 years of age. Under the bill, neither sentence may be suspended by the court.

The amendment instead authorizes a term of imprisonment for any term of years, including a term that exceeds 30 years, the maximum term of imprisonment for a Class A crime.

This amendment specifies that the basic period of imprisonment for a person who commits gross sexual assault against a victim who has not yet attained 12 years of age is 20 years; the court may increase or decrease the term of imprisonment based upon all other relevant sentencing factors, both aggravating and mitigating, appropriate to that case. These sentencing factors include, but are not limited to, the character of the offender and the offender's criminal history, the effect of the offense on the victim and the protection of the public interest.

SPONSORED BY:   
(Representative TRAHAN)

TOWN: Waldoboro

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 122nd MAINE LEGISLATURE

LD 1717

LR 2770(11)

**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 "D"**

**Sponsor: Rep. Trahan**

**Fiscal Note Required: Yes**

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## Fiscal Note

Potential reduction of future biennium cost - General Fund

### Correctional and Judicial Impact Statements:

This amendment reduces the required period of imprisonment to 20 years and allows a court to increase or decrease the term of imprisonment depending on certain relevant factors. Such a change may reduce the increased future correctional costs the bill creates.