

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1717

H.P. 1224

House of Representatives, December 20, 2005

**An Act To Create Mandatory Minimum Sentences for Persons
Convicted of Certain Sex Offenses against Victims under 12 Years
of Age**

Reported by Representative BLANCHETTE of Bangor for the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Public Law 2005, chapter 423, section 24.

Received by the Clerk of the House on December 14, 2005. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

2 **Be it enacted by the People of the State of Maine as follows:**

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

6 C. In the case of a crime of gross sexual assault, if the
8 State pleads and proves that at the time of the crime the
10 victim had not attained 12 years of age and that the
12 defendant has previously been convicted and sentenced for
14 committing gross sexual assault, rape or gross sexual
16 misconduct against a victim who had not attained 12 years of
18 age, the period of probation ~~may be~~ is life or any term of
20 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.

22 **Sec. 2. 17-A MRSA §1252, sub-§4-D,** as enacted by PL 2003, c.
24 711, Pt. B, §20, is amended to read:

26 ~~4-D. If the State pleads and proves that a crime under~~
~~section 253, subsection 1, paragraph C or F was committed against a person who~~
28 4-D. If the State pleads and proves that a crime under
section 282, subsection 1, paragraph C or F was committed against a person who
30 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
court in exercising its sentencing discretion.

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

34 ~~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~~
36 ~~had not attained 12 years of age, the court, notwithstanding any~~
~~other provision of this code, shall impose a minimum term of~~
38 ~~imprisonment of 25 years, none of which may be suspended. When a~~
~~person sentenced under this subsection is released from~~
40 ~~incarceration, the Department of Corrections shall supervise that~~
~~person using the best available monitoring technology pursuant to~~
42 ~~section 1202.~~
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, 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.

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

46 ~~4-F. 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~~
48 ~~had not attained 12 years of age and that the defendant has~~
~~previously been convicted and sentenced for committing gross~~
50 ~~sexual assault, rape or gross sexual misconduct against a victim~~

2 who had not attained 12 years of age, the court, notwithstanding
3 any other provision of this code, shall impose a term of
4 imprisonment for life, none of which may be suspended.

6 **SUMMARY**

8 This bill creates a 25-year minimum mandatory sentence of
9 imprisonment followed by probation for life for persons convicted
10 of gross sexual assault against persons who have not attained 12
11 years of age and requires that these persons, when released from
12 prison, be subject to supervision by the Department of
13 Corrections that includes electronic monitoring for the duration
14 of the probation. The bill also creates a mandatory life
15 sentence of imprisonment for a person convicted of gross sexual
16 assault against another person who has not attained 12 years of
17 age if that person has a prior conviction for gross sexual
18 assault, rape or gross sexual misconduct against a victim who had
19 not attained 12 years of age.
20