

MAINE STATE LEGISLATURE

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PL 013

L.D. 1718

DATE: 2/16/06

(Filing No. H-766)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

COMMITTEE AMENDMENT "A" to H.P. 1225, L.D. 1718, Bill, "An Act To Increase from a Class D Crime to a Class C Crime Violation of Privacy if the Victim Is under 16 Years of Age"

Amend the bill by striking out the title and substituting the following:

'An Act To Amend the Law Relating to the Crime of Visual Sexual Aggression against a Child'

Further 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'Sec. 1. 17-A MRSA §256, as repealed and replaced by PL 2003, c. 711, Pt. B, §4, is amended to read:

§256. Visual sexual aggression against child

1. A person is guilty of visual sexual aggression against a child if:

- A. For the purpose of arousing or gratifying sexual desire or for the purpose of causing affront or alarm, the actor, having in fact attained 18 years of age, exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor and the other person, not the actor's spouse, has not in fact attained 14 years of age. Violation of this paragraph is a Class D crime; ex

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2 B. For the purpose of arousing or gratifying sexual desire,
the actor, having in fact attained 18 years of age, exposes
4 the actor's genitals to another person or causes the other
person to expose that person's genitals to the actor and the
6 other person, not the actor's spouse, has not in fact
attained 12 years of age. Violation of this paragraph is a
Class C crime.;

8
10 C. For the purpose of arousing or gratifying sexual desire,
the actor, having in fact attained 18 years of age,
intentionally engages in visual surveillance, aided or
unaided by mechanical or electronic equipment, of the
uncovered breasts, buttocks, genitals, anus or pubic area of
another person in a private place, not the actor's spouse
and not having in fact attained 14 years of age, under
circumstances in which a reasonable person would expect to
be safe from such visual surveillance. Violation of this
paragraph is a Class D crime; or

20 D. For the purpose of arousing or gratifying sexual desire,
the actor, having in fact attained 18 years of age,
intentionally engages in visual surveillance, aided or
unaided by mechanical or electronic equipment, of the
uncovered breasts, buttocks, genitals, anus or pubic area of
another person in a private place, not the actor's spouse
and not having attained 12 years of age, under circumstances
in which a reasonable person would expect to be safe from
such visual surveillance. Violation of this paragraph is a
Class C crime.

30 As used in this subsection, the term "private place" has the same
32 meaning as in section 511.'

36 SUMMARY

38 This amendment replaces the bill and amends the crime of
40 visual sexual aggression against a child, instead of amending the
crime of violation of privacy. This amendment creates a new
42 version of visual sexual aggression against a child that requires
that, for the purpose of arousing or gratifying sexual desire, a
44 person at least 18 years of age intentionally engages in visual
surveillance, aided or unaided by mechanical or electronic
46 equipment, of the uncovered breasts, buttocks, genitals, anus or
pubic area of another person in a private place. The crime also
48 provides that the victim is not the actor's spouse and has not in
fact attained 14 years of age, and that the act is carried out
under circumstances in which a reasonable person would expect to
50 be safe from such visual surveillance. This new crime is a Class

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2 D crime, unless committed against a person who has not attained
12 years of age, in which case it is a Class C crime.

4 The crime of visual sexual aggression against a child falls
within chapter 11 of the Maine Criminal Code, which means that a
6 person convicted of the Class D version, as well as the Class C
version of this crime, may be subject to the sentencing
8 alternative of probation. This amendment also makes the person
convicted of this prohibited conduct subject to the requirements
10 of the Sex Offender Registration and Notification Act of 1999.

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FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



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LD 1718

LR 2766(02)

An Act to Increase from a Class D Crime to a Class C Crime Violation of Privacy if the Victim is Under 16 Years of Age

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes a new Class C and D crime; increases correctional and judicial costs.

The collection of additional fines may also increase General Fund revenue by minor amounts.