

MAINE STATE LEGISLATURE

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L.D. 3

Date: 1/9/8

(Filing No. H- 646)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "B" to H.P. 4, L.D. 3, Bill, "An Act To Strengthen "Permissible Inference" in the Law Concerning Dissemination of Sexually Explicit Material"

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

Sec. 1. 17-A MRSA §283, sub-§2, as enacted by PL 2003, c. 711, Pt. B, §12, is amended to read:

2. For the purposes of this section, possession of ~~40~~ 2 or more copies of ~~any of the materials as described in subsection 1~~ same book, magazine, newspaper, print, negative, slide, motion picture, videotape, computer data file or other mechanically, electronically or chemically reproduced visual image or material gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person possesses those items with intent to disseminate.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

Correctional Impact Reserve N033

Initiative: Provides funds for the estimated incarceration costs to the state correctional institutions.

GENERAL FUND	2007-08	2008-09
All Other	\$0	\$37,945
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$37,945</u>

COMMITTEE AMENDMENT

R.d.S.

COMMITTEE AMENDMENT "B" to H.P. 4, L.D. 3

1	CORRECTIONS, DEPARTMENT OF		
2	DEPARTMENT TOTALS	2007-08	2008-09
3			
4	GENERAL FUND	\$0	\$37,945
5			
6	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$37,945
7	JUDICIAL DEPARTMENT		
8	Courts - Supreme, Superior, District and Administrative 0063		
9	Initiative: Provides funds for additional indigent defense costs.		
10	GENERAL FUND	2007-08	2008-09
11	All Other	\$0	\$5,000
12			
13	GENERAL FUND TOTAL	\$0	\$5,000
14	JUDICIAL DEPARTMENT		
15	DEPARTMENT TOTALS	2007-08	2008-09
16			
17	GENERAL FUND	\$0	\$5,000
18			
19	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$5,000
20	SECTION TOTALS	2007-08	2008-09
21			
22	GENERAL FUND	\$0	\$42,945
23			
24	SECTION TOTAL - ALL FUNDS	\$0	\$42,945
25			

26 **SUMMARY**

27 This amendment replaces the bill. The amendment removes the emergency clause
28 and preamble and specifies that, for purposes of dissemination of sexually explicit
29 materials, possession of 2 or more copies of the same book, magazine, newspaper, print,
30 negative, slide, motion picture, videotape, computer data file or other mechanically,
31 electronically or chemically reproduced visual image or material gives rise to a

RD/S

COMMITTEE AMENDMENT "B" to H.P. 4, L.D. 3

1 permissible inference under the Maine Rules of Evidence, Rule 303 that the person who
2 possesses those items has the intent to disseminate them. It also adds an appropriations
3 and allocations section.

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



123rd MAINE LEGISLATURE

LD 3

LR 528(04)

An Act To Strengthen "Permissible Inference" in the Law Concerning Dissemination of Sexually Explicit Material

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

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$0	\$42,945	\$100,956	\$123,302
Appropriations/Allocations				
General Fund	\$0	\$42,945	\$100,956	\$123,302

Correctional and Judicial Impact Statements

May increase violations of Class A, B and C crimes. See cost detail below.

Fiscal Detail and Notes

Correctional Cost Detail	FY 2008	FY 2009	FY 2010	FY 2011
New Class A Crimes	\$0	\$0	\$0	\$0
New Class B Crimes	\$0	\$37,945	\$95,955	\$118,301
New Class C Crimes	\$0	\$0	\$0	\$0
Total Cost - All Convictions	\$0	\$37,945	\$95,955	\$118,301

This estimate assumes one offender occurrence beginning in fiscal year 2008-09 and 2 offender occurrences per year thereafter. The cost estimate is based on all time served as Class B crimes. The current average cost to the State for a Class B crime is \$94,915 based on an average length of stay of 2 years 7 months (913 days) and \$103.96 per day. This estimate is based on actual sentences for a similar crime of 547 days for each occurrence and probation costs of 1095 days at an average cost per day for each occurrence of \$6.25. Based on this estimate, the Department of Corrections will require a General Fund appropriation of \$37,945 in fiscal year 2008-09, \$95,955 in fiscal year 2009-10 and \$118,301 in fiscal year 2010-11 to provide funds associated with the estimated incarceration costs to the state correctional institutions.

The Judicial Department will require a General Fund appropriation of \$5,000 in fiscal year 2008-09 and annually thereafter to provide funds for additional indigent defense costs for an estimated 10 cases per year.