

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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Legislative Document

No. 46

H.P. 44

House of Representatives, January 9, 2007

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

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CEBRA of Naples.
Cosponsored by Representative CHASE of Wells, Senators: COURTNEY of York,
MITCHELL of Kennebec, Senator DIAMOND of Cumberland and
Representatives: CROSTHWAITE of Ellsworth, FLETCHER of Winslow, HAMPER of
Oxford, LANSLEY of Sabattus, ROBINSON of Raymond, SAVIELLO of Wilton, TARDY of
Newport, THOMAS of Ripley.

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

2 **Sec. 1. 17-A MRSA §1231, sub-§2, ¶B**, as amended by PL 2005, c. 673, §2, is
3 further amended to read:

4 B. For a person not sentenced under section 1252, ~~subsections~~ subsection 4-B or 4-
5 E or 4-F, a period not to exceed 10 years for a Class A violation of section 253 and a
6 period not to exceed 6 years for a Class B or Class C violation of section 253; and

7 **Sec. 2. 17-A MRSA §1252, sub-§4-E**, as enacted by PL 2005, c. 673, §4, is
8 amended to read:

9 **4-E.** If the State pleads and proves that a crime under section 253 was committed
10 against a person who had not yet attained 12 years of age, the court, notwithstanding
11 subsection 2, shall impose a definite term of imprisonment ~~for any term of at least 25~~
12 ~~years, none of which may be suspended. In determining the basic term of imprisonment~~
13 ~~as the first step in the sentencing process, the court shall select a term of at least 20 years.~~

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

15 **4-F.** If the State pleads and proves that a crime under section 253 was committed
16 against a person who had not yet attained 12 years of age and that the defendant had
17 previously been convicted and sentenced for committing gross sexual assault, formerly
18 denominated as gross sexual misconduct, or rape, or conduct substantially similar to one
19 of these crimes that is a crime under the laws of the United States or any other state,
20 against a person who had not yet attained 12 years of age, the court, notwithstanding
21 subsection 2, shall impose a term of imprisonment of life, none of which may be
22 suspended.

23 **SUMMARY**

24 This bill changes the sentence for gross sexual assault against a victim who is under
25 12 years of age to a period of imprisonment of 25 years, none of which may be
26 suspended. If the defendant had previously been convicted and sentenced for committing
27 gross sexual assault, rape or gross sexual misconduct against a person who is under 12
28 years of age, the court must impose a sentence of life imprisonment, none of which may
29 be suspended.