

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 372

S.P. 116

January 25, 2007

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### **An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator NUTTING of Androscoggin.  
Cosponsored by Representative SIMPSON of Auburn and  
Senators: DIAMOND of Cumberland, HASTINGS of Oxford, Representatives:  
BLANCHETTE of Bangor, CARTER of Bethel, HOLMAN of Fayette, MILLS of Farmington,  
PIEH of Bremen, SAVIELLO of Wilton.

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

2 **Sec. 1. 17-A MRSA §253, sub-§2, ¶A**, as amended by PL 2001, c. 383, §15 and  
3 affected by §156, is further amended to read:

4 A. The actor has substantially impaired the other person's power to appraise or  
5 control the other person's sexual acts by furnishing, administering or employing  
6 drugs, intoxicants or other similar means. Violation of this paragraph is a Class B  
7 crime;

8 **Sec. 2. 17-A MRSA §253, sub-§3**, as repealed and replaced by PL 1989, c. 401,  
9 Pt. A, §4, is repealed and the following enacted in its place:

10 **3.** It is a defense to a prosecution under subsection 2, paragraph A that the other  
11 person voluntarily consumed or allowed administration of the substance with knowledge  
12 of its nature, except that it is no defense when:

13 A. The other person is a patient of the actor and has a reasonable belief that the actor  
14 is administering the substance for medical or dental examination or treatment; or

15 B. The other person is in fact 14 or 15 years of age.

16

#### SUMMARY

17 In order to improve the ability to prosecute certain gross sexual assaults, this bill  
18 amends the crime of gross sexual assault by adding the element of furnishing drugs or  
19 intoxicants to a victim in order to substantially impair the victim's power to appraise or  
20 control the victim's sexual acts. Currently, a prosecutor must meet a higher standard by  
21 proving that the actor employed or administered the drugs or intoxicants to the victim.  
22 The bill also specifies that an actor cannot raise as a defense to gross sexual assault that  
23 the victim voluntarily consumed or allowed the administration of the drugs or intoxicants  
24 if the victim was 14 or 15 years of age.