

MAINE STATE LEGISLATURE

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Date: 4-18-08

(Filing No. S- 690)

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STATE OF MAINE
SENATE
123RD LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to H.P. 360,
L.D. 461, Bill, "An Act To Implement the Recommendations of the Human Trafficking
Task Force"

Amend the amendment by striking out all of Part A and inserting the following:

PART A

Sec. A-1. 17-A MRSA §301, sub-§2, as amended by PL 2001, c. 383, §26 and
affected by §156, is further amended to read:

2. "Restrain" means to restrict substantially the movements of another person
without the other person's consent or other lawful authority by:

A. Removing the other person from the other person's residence, or place of
business, or from a school; or

B. Moving the other person a substantial distance from the vicinity where the other
person is found; or

C. Confining the other person for a substantial period either in the place where the
restriction commences or in a place to which the other person has been moved;

D. Destroying, concealing, removing, confiscating or possessing any actual or
purported passport or other immigration document or other actual or purported
government identification document of the other person; or

E. Using any scheme, plan or pattern intended to cause the other person to believe
that if the person does not perform certain labor or services, including prostitution,
that the person or another person will suffer serious harm or restraint.'

Amend the amendment in Part B in section 1 in §4701 in subsection 1 in paragraph A
in the first and 2nd lines (page 3, lines 29 and 30 in amendment) by striking out the
following: "under Title 17-A, chapter 10"

Amend the amendment in Part B in section 1 in §4701 in subsection 1 by inserting
after paragraph B the following:

SENATE AMENDMENT

H. 8.

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to H.P. 360, L.D. 461

1 'C. "Human trafficking offense" means kidnapping or criminal restraint under Title
2 17-A, section 301 or 302 when the crime involves restraining a person by destroying,
3 concealing, removing, confiscating or possessing any actual or purported passport or
4 other immigration document or other actual or purported government identification
5 document of the other person or using any scheme, plan or pattern intended to cause
6 that person to believe that if the person does not perform certain labor or services,
7 including prostitution, that the person or another person will suffer serious harm or
8 restraint.'

9 Amend the amendment in Part C in section 2 in subsection 9 in the last line (page 4,
10 line 32 in amendment) by striking out the following: "under Title 17-A, chapter 10" and
11 inserting the following: 'as defined in Title 5, section 4701, subsection 1, paragraph C'

12 Amend the amendment in Part D in section 1 in paragraph F in the 3rd line from the
13 end (page 5, line 11 in amendment) by striking out the following: "under chapter 10" and
14 inserting the following: 'as defined in Title 5, section 4701, subsection 1, paragraph C'

15 Amend the amendment in Part E in section 3 by striking out all of paragraph I (page
16 5, line 30 in amendment) and inserting the following:

17 'I. Causing a human trafficking offense as defined in Title 5, section 4701,
18 subsection 1, paragraph C.'

19 Amend the amendment by inserting after Part F the following:

20 **‘PART G**

21 **Sec. G-1. Criminal Code Revision Commission.** By March 1, 2009, the joint
22 standing committee of the Legislature having jurisdiction over criminal justice and public
23 safety matters, after consultation with the joint standing committee of the Legislature
24 having jurisdiction over judiciary matters and the joint standing committee of the
25 Legislature having jurisdiction over appropriations and financial affairs, shall submit
26 legislation to the First Regular Session of the 124th Legislature establishing the Criminal
27 Code Revision Commission, for the purpose of reviewing, revising, unifying, recodifying
28 and consolidating Maine's criminal laws, including, but not limited to, the Maine
29 Criminal Code. The commission shall:

30 1. Examine all sections of the Maine Criminal Code and all crimes outside the Maine
31 Criminal Code;

32 2. Evaluate the operation of the Maine Criminal Code in an effort to revise the Maine
33 Criminal Code as necessary to ensure clarity, consistency, generalization in defining
34 prohibited conduct, that all penalties and punishments are proportioned to the offense and
35 equity in sentencing. The commission shall recommend amendments to the Maine
36 Criminal Code based on such evaluation and amendments to other criminal statutes
37 outside the Maine Criminal Code; and

38 3. Examine any other aspects of Maine's criminal law, including substantive,
39 procedural and administrative matters, that the commission determines relevant.

SENATE AMENDMENT

1 The legislation must provide that the Criminal Code Revision Commission may
2 accept federal and other grants to carry out its responsibilities.'

3 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
4 or section number to read consecutively.

5 **SUMMARY**

6 This amendment strikes and replaces Part A of Committee Amendment "B". The
7 amendment removes the crimes of causing involuntary servitude, human trafficking and
8 aggravated human trafficking. "Human trafficking offense" is defined to mean
9 kidnapping or criminal restraint as defined in the Maine Revised Statutes, Title 17-A,
10 section 301 or 302 when the crime involves restraining a person by destroying,
11 concealing, removing, confiscating or possessing any actual or purported passport or
12 other immigration document or other actual or purported government identification
13 document of the other person or using any scheme, plan or pattern intended to cause that
14 person to believe that if the person does not perform certain labor or services, including
15 prostitution, that the person or another person will suffer serious harm or restraint. The
16 amendment adds elements of the definition of "human trafficking" to the definition of
17 "restrain."

18 This amendment also adds a new part that requires the joint standing committee of
19 the Legislature having jurisdiction over criminal justice and public safety matters, after
20 consultation with the joint standing committees of the Legislature having jurisdiction
21 over judiciary matters and appropriations and financial affairs, to submit legislation to the
22 First Regular Session of the 124th Legislature establishing the Criminal Code Revision
23 Commission for the purpose of reviewing, revising, unifying, recodifying and
24 consolidating Maine's criminal laws, including, but not limited to, the Maine Criminal
25 Code. A comprehensive revision of the Maine Criminal Code has not occurred since
26 1976.

27 **FISCAL NOTE REQUIRED**
28 **(See attached)**

29 **SPONSORED BY:** _____

30 **(Senator ROTUNDO)**

31 **COUNTY: Androscoggin**



123rd MAINE LEGISLATURE

LD 461

LR 476(07)

An Act To Implement the Recommendations of the Human Trafficking Task Force

Fiscal Note for Senate Amendment "A" to Committee Amendment "B"

Sponsor: Sen. Rotundo of Androscoggin

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$0	(\$37,945)	(\$75,891)	(\$94,915)
Appropriations/Allocations				
General Fund	\$0	(\$37,945)	(\$75,891)	(\$94,915)

Correctional and Judicial Impact Statements

This amendment strikes new Class A and Class B crimes established in the committee amendment and proposes to expand the definition of an existing Class D crime of criminal restraint to include human trafficking. It also removes the need to appropriate funds for annual incarceration costs at the Department of Corrections.