

MAINE STATE LEGISLATURE

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Date: 2-25-08

(Filing No. S-433)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

123RD LEGISLATURE

SECOND REGULAR SESSION

Majority

COMMITTEE AMENDMENT "B" to S.P. 535, L.D. 1512, Bill, "An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile"

Amend the bill by striking out all of section 2 and inserting in its place the following:

Sec. 2. 15 MRSA §3105-A, sub-§2, ¶A-1 is enacted to read:

A-1. A prosecution for either of the following juvenile crimes, if the victim had not attained 16 years of age at the time of the crime, must be commenced within 10 years after it is committed:

(1) Unlawful sexual contact under former Title 17-A, section 255 or Title 17-A, section 255-A that includes penetration; or

(2) Gross sexual assault under Title 17-A, section 253.

Sec. 3. Application. This Act applies to the following juvenile crimes in which the victim had not attained 16 years of age at the time of the crime:

1. The juvenile crimes of unlawful sexual contact that includes penetration and gross sexual assault committed on or after the effective date of this Act; and

2. The juvenile crimes of unlawful sexual contact that includes penetration and gross sexual assault the prosecution of which has not yet been barred by the previous statute of limitations in force on the effective date of this Act.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

Correctional Impact Reserve N033

Initiative: Provides funds for costs associated with one projected incarceration in a state correctional facility.

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "B" to S.P. 535, L.D. 1512

1	GENERAL FUND	2007-08	2008-09
2	All Other	\$0	\$38,478
3			
4	GENERAL FUND TOTAL	<hr/> \$0	<hr/> \$38,478
5			

SUMMARY

7 This amendment is the majority report of the committee. The amendment extends the
8 statute of limitations to 10 years instead of 12 years as proposed in the bill for crimes in
9 which the victim was under 16 years of age, the juvenile crime was unlawful sexual
10 contact that involved penetration or gross sexual assault and the accused juvenile was
11 under 16 years of age at the time of the crime, regardless of whether DNA evidence is
12 available.

13 The amendment also adds an application section to specify that this change in the
14 statute of limitations applies only to juvenile crimes committed on or after the effective
15 date of the Act and to juvenile crimes the prosecution of which has not yet been barred by
16 the previous statute of limitations in force on the effective date of the Act.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 1512

LR 1088(06)

An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile

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	\$38,478	\$71,340	\$72,548
Appropriations/Allocations				
General Fund	\$0	\$38,478	\$71,340	\$72,548

Correctional and Judicial Impact Statements

Extends the statute of limitation from 6 years to 10 years for juveniles for unlawful sexual contact and will result in additional juvenile felony crimes. See cost detail below.

Fiscal Detail and Notes

Correctional Cost Detail	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Extends statute of limitation	\$38,478	\$71,340	\$72,548	\$73,756	\$74,782
Total Cost - All Convictions	\$38,478	\$71,340	\$72,548	\$73,756	\$74,782

This estimate assumes one offender occurrence per year beginning in fiscal year 2008-09. This cost estimate is based on all time served as a Class C crime. The current average cost to the state for a Class C crime of Gross Sexual Assault by a Juvenile is \$105.42 per day based on an average length of stay of 1 year and 10 months or 675 days.

Based on this estimate, the Department of Corrections will require a General Fund appropriation of \$38,478 in fiscal year 2008-09, \$71,340 in fiscal year 2009-10, \$72,548 in fiscal year 2010-11, \$73,756 in fiscal year 2011-12 and \$74,782 in fiscal year 2012-13 to provide funds for costs associated with one projected incarceration per year in an adult juvenile correctional facility and additional probationary costs. The probation costs are approximately \$3,624.45 per incident. The additional cost to the Judicial Department can be absorbed by the department utilizing existing budgeted resources.