

1 Date: 2/21/82

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	L.D. 2079	
(Filing No.	H-	690)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

123RD LEGISLATURE

SECOND REGULAR SESSION

9 COMMITTEE AMENDMENT " \mathcal{H} " to H.P. 1465, L.D. 2079, Bill, "An Act To 10 Strengthen the Crime of Visual Sexual Aggression against a Child"

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

Sec. 1. 17-A MRSA §256, sub-§1, as amended by PL 2005, c. 655, §1, is further
 amended to read:

15 **1.** A person is guilty of visual sexual aggression against a child if:

A. For the purpose of arousing or gratifying sexual desire or for the purpose of causing affront or alarm, the actor, having in fact attained 18 years of age, exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor and the other person, not the actor's spouse, has not in fact attained 14 years of age. Violation of this paragraph is a Class D crime;

B. For the purpose of arousing or gratifying sexual desire, the actor, having in fact attained 18 years of age, exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor and the other person, not the actor's spouse, has not in fact attained 12 years of age. Violation of this paragraph is a Class C crime;

C. For the purpose of arousing or gratifying sexual desire, the actor, having in fact attained 18 years of age, intentionally engages in visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person in a private place, not the actor's spouse and not having in fact attained 14 years of age, under circumstances in which a reasonable person would expect to be safe from such visual surveillance. Violation of this paragraph is a Class D crime; or

D. For the purpose of arousing or gratifying sexual desire, the actor, having in fact attained 18 years of age, intentionally engages in visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks,

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT " A " to H.P. 1465, L.D. 2079

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genitals, anus or pubic area of another person in a private place, not the actor's spouse and not having in fact attained 12 years of age, under circumstances in which a reasonable person would expect to be safe from such visual surveillance. Violation of this paragraph is a Class C crime.

As used in this subsection, the term "private place" has the same meaning as in section
511.

Sec. 2. 17-A MRSA §511, sub-§2, as amended by PL 1999, c. 116, §1, is further
 amended to read:

9 **2.** As used in this section, "private place" means a place where one may reasonably 10 expect to be safe from surveillance, including, but not limited to, changing or dressing 11 rooms, bathrooms and similar places, but excluding a place to which the public or a 12 substantial group has access.'

SUMMARY

14 This amendment replaces the bill. The amendment removes the requirement that 15 visual surveillance, aided or unaided by mechanical or electronic equipment, of the 16 uncovered breasts, buttocks, genitals, anus or pubic area of another person occur in a private place to be a crime. Instead, the amendment specifies that a person who, for the 17 purpose of arousing or gratifying sexual desire, intentionally engages in visual 18 19 surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person is guilty of visual sexual 20 21 aggression regardless of where the surveillance occurs. Surveillance may occur either in 22 a public or private place.

The amendment also clarifies the definition of "private place" in the Maine Revised Statutes, Title 17-A, section 511.

> FISCAL NOTE REQUIRED (See attached)

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COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 2079

LR 2848(02)

An Act To Strengthen the Crime of Visual Sexual Aggression against a Child

Fiscal Note for Bill as Amended by Committee Amendment " A " Committee: Criminal Justice and Public Safety Fiscal Note Required: Yes

Fiscal Note

Future biennium cost increase - General Fund

Correctional and Judicial Impact Statements

Minimal increase in Class C and D case-load. As it is estimated that this change will be relevant to a case approximately once every 17 years, no appropriation is included at this time.