

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 508

H.P. 401

House of Representatives, February 14, 2011

**An Act To Adjust Certain Age Limits in the Laws Concerning Sex
Offenses To Further Protect Minors**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative TUTTLE of Sanford.

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

2 **Sec. 1. 17-A MRSA §261**, as amended by PL 2009, c. 211, Pt. B, §16 and c. 365,
3 Pt. A, §§1 and 2, is further amended to read:

4 **§261. Prohibited contact with a minor; sex offender restricted zone**

5 1. A person is guilty of prohibited contact with a minor if that person:

6 A. Was convicted on or after June 30, 1992 of an offense under this chapter or
7 chapter 12 against another person who had not in fact attained ~~14~~ 16 years of age or
8 was convicted on or after June 30, 1992 in another jurisdiction for conduct
9 substantially similar to that contained in this chapter or chapter 12 against another
10 person who had not in fact attained ~~14~~ 16 years of age; and

11 C. Intentionally or knowingly initiates direct or indirect contact with another person
12 who has not in fact attained ~~14~~ 16 years of age.

13 Violation of this subsection is a Class E crime.

14 2. A person is guilty of prohibited contact with a minor in a sex offender restricted
15 zone if that person:

16 A. Was convicted on or after June 30, 1992 of an offense under this chapter or
17 chapter 12 against another person who had not in fact attained ~~14~~ 16 years of age or
18 was convicted on or after June 30, 1992 in another jurisdiction for conduct
19 substantially similar to that contained in this chapter or chapter 12 against another
20 person who had not in fact attained ~~14~~ 16 years of age; and

21 C. Intentionally or knowingly initiates direct or indirect contact in a sex offender
22 restricted zone with another person who has not in fact attained ~~14~~ 16 years of age.

23 Violation of this subsection is a Class D crime.

24 3. It is an affirmative defense to prosecution under this section that the parent, foster
25 parent, guardian or other similar person responsible for the person who had not in fact
26 attained ~~14~~ 16 years of age, knowing the conviction status described in subsections 1 and
27 2, gave consent that the defendant initiate, have or continue direct or indirect contact. It
28 is also an affirmative defense to prosecution under this section that any contact is
29 incidental to and directly related to the defendant's employment.

30 4. For purposes of this section, "sex offender restricted zone" means the real property
31 comprising a public or private elementary or middle school; the real property comprising
32 a child care center, a child care facility, a day care operated by a family child care
33 provider, a nursery school or a small child care facility as defined under Title 22, section
34 8301-A; or an athletic field, park, playground, recreational facility, youth camp licensed
35 under Title 22, section 2495 or other place where children are the primary users.

36 **Sec. 2. 30-A MRSA §3014, sub-§2**, as reallocated by RR 2009, c. 1, §21, is
37 amended to read:

