

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1673

S.P. 572

In Senate, December 21, 2011

An Act To Prohibit Verbal Sexual Solicitation of a Child

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 19, 2011. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator HOBBS of York.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation closes a loophole in the law prohibiting sexual solicitation
4 of a child; and

5 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
6 the meaning of the Constitution of Maine and require the following legislation as
7 immediately necessary for the preservation of the public peace, health and safety; now,
8 therefore,

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

10 **Sec. 1. 17-A MRSA §262** is enacted to read:

11 **§262. Verbal solicitation of child to commit a prohibited act**

12 **1. A person is guilty of verbally soliciting a child to commit a prohibited act if:**

13 **A. The actor:**

14 (1) Is at least 16 years of age;

15 (2) Knows or believes that the other person is less than 14 years of age; and

16 (3) Is at least 3 years older than the expressed age of the other person; and

17 **B. The actor expresses to the other person the intent to engage in any one of the**
18 **following prohibited acts with that person:**

19 (1) A sexual act;

20 (2) Sexual contact; or

21 (3) Sexual exploitation of a minor pursuant to section 282.

22 Violation of this subsection is a Class D crime.

23 **2. A person is guilty of verbally soliciting a child to commit a prohibited act if:**

24 **A. The actor:**

25 (1) Is at least 16 years of age;

26 (2) Knows or believes that the other person is less than 12 years of age; and

27 (3) Is at least 3 years older than the expressed age of the other person; and

28 **B. The actor expresses to the other person the intent to engage in any one of the**
29 **following prohibited acts with that person:**

30 (1) A sexual act;

31 (2) Sexual contact; or

32 (3) Sexual exploitation of a minor pursuant to section 282.

33 Violation of this subsection is a Class C crime.

