

MAINE STATE LEGISLATURE

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Date: 3-29-12

MAJORITY

(Filing No. S- 502)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
SENATE
125TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 591, L.D. 1731, Bill, "An Act To Rescue Children Who Are Being Sexually Abused and To Make Improvements to the Sex Offender Registry and the Investigation of Computer Crimes"

Amend the bill by striking out the title and substituting the following:

'An Act To Fund the Computer Crimes Unit and Combat Human Sex Trafficking'

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

Sec. 1. 17-A MRSA §852, sub-§2, as enacted by PL 1975, c. 499, §1, is amended to read:

- 2. As used in this section, "compelling" includes but is not limited to:
 - A. The use of a drug or intoxicating substance to render a person incapable of controlling his that person's conduct or appreciating its nature; ~~and~~
 - B. Withholding or threatening to withhold a narcotic drug or alcoholic liquor from a drug or alcohol-dependent person. A "drug or alcohol-dependent person" is one who is using narcotic drugs or alcoholic liquor and who is in a state of psychic or physical dependence or both, arising from the use of the drug or alcohol on a continuing basis;
 - C. Making material false statements, misstatements or omissions;
 - D. Withholding, destroying or confiscating an actual or purported passport or other immigration document or other actual or purported government identification document with the intent to impair a person's freedom of movement;
 - E. Requiring prostitution to be performed to retire, repay or service an actual or purported debt; and
 - F. Using force or engaging in any scheme, plan or pattern to instill in a person a fear that, if the person does not engage or continue to engage in prostitution, the actor or another person will;

COMMITTEE AMENDMENT

- 1 (1) Cause physical injury or death to a person;
- 2 (2) Cause damage to property, other than property of the actor;
- 3 (3) Engage in other conduct constituting a Class A, B or C crime, kidnapping or
 4 criminal restraint;
- 5 (4) Accuse some person of a crime or cause criminal charges or deportation
 6 proceedings to be instituted against some person;
- 7 (5) Expose a secret or publicize an asserted fact, regardless of veracity, tending
 8 to subject some person, except the actor, to hatred, contempt or ridicule;
- 9 (6) Testify or provide information or withhold testimony or information
 10 regarding another person's legal claim or defense;
- 11 (7) Use a position as a public servant to perform some act related to that person's
 12 official duties or fail or refuse to perform an official duty in a manner that
 13 adversely affects some other person; or
- 14 (8) Perform any other act that would not in itself materially benefit the actor but
 15 that is calculated to harm the person being compelled with respect to that person's
 16 health, safety or immigration status.

17 **Sec. 2. Report regarding expenditures for computer crimes unit.** The
 18 Commissioner of Public Safety shall report to the joint standing committee of the
 19 Legislature having jurisdiction over criminal justice and public safety matters on or
 20 before January 15, 2013 regarding the expenditure of funds provided in this Act. The
 21 joint standing committee may report out legislation to the First Regular Session of the
 22 126th Legislature regarding matters contained in the report.

23 **Sec. 3. Appropriations and allocations.** The following appropriations and
 24 allocations are made.

25 **PUBLIC SAFETY, DEPARTMENT OF**

26 **Computer Crimes 0048**

27 Initiative: Provides funding for the computer crimes unit program within the Department
 28 of Public Safety, Bureau of State Police for one Forensic Analyst position and All Other
 29 funding for contracted detective services and operating costs.

30	GENERAL FUND	2011-12	2012-13
31	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
32	Personal Services	\$0	\$75,773
33	All Other	\$0	\$270,903
34			
35	GENERAL FUND TOTAL	\$0	\$346,676
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SUMMARY

This amendment is the majority report. It replaces the bill except that it retains the changes proposed in the bill regarding the crime of aggravated promotion of prostitution. It provides a General Fund appropriation of \$346,676 in fiscal year 2012-13 for the computer crimes unit program within the Department of Public Safety, Bureau of State Police for one Forensic Analyst position and for contracted detective services and operating costs.

It also requires the Commissioner of Public Safety to report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2013 regarding the expenditures of funds provided by this Act. It authorizes that committee to report out legislation to the First Regular Session of the 126th Legislature regarding matters contained in the report.

FISCAL NOTE REQUIRED

(See attached)



125th MAINE LEGISLATURE

LD 1731

LR 2470(02)

An Act To Rescue Children Who Are Being Sexually Abused and To Make Improvements to the Sex Offender Registry and the Investigation of Computer Crimes

Fiscal Note for Bill as Amended by Committee Amendment "A" S-502

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
Net Cost (Savings)				
General Fund	\$0	\$346,676	\$349,010	\$351,416
Appropriations/Allocations				
General Fund	\$0	\$346,676	\$349,010	\$351,416

Fiscal Detail and Notes

The bill includes a General Fund appropriation of \$346,676 in fiscal year 2012-13 to the Department of Public Safety, Bureau of State Police, Computer Crimes Unit for one Forensic Analyst position and contracted detective services.