

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1863

H.P. 1359

House of Representatives, May 1, 2014

An Act To Correct an Error in the Laws To Assist Victims of Human Trafficking

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DION of Portland.
Cosponsored by Senator BOYLE of Cumberland.

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,** Public Law 2013, chapter 537 took effect April 10, 2014; and

4 **Whereas,** the purpose of Public Law 2013, chapter 537 is to help victims of human
5 trafficking; and

6 **Whereas,** Public Law 2013, chapter 537 increases assessments on persons
7 promoting sex trafficking, with the increased assessments made available to victims of
8 sex trafficking through the Victims' Compensation Fund; and

9 **Whereas,** Public Law 2013, chapter 537 does not correctly impose an assessment
10 for the Victims' Compensation Fund on persons engaging a prostitute, but instead
11 imposes the assessment on victims of sex trafficking; and

12 **Whereas,** this error needs to be corrected as soon as possible; and

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

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

18 **Sec. 1. 5 MRSA §3360-I, first ¶,** as amended by PL 2013, c. 537, §4, is further
19 amended to read:

20 As part of the sentence or fine imposed, the court shall impose an assessment of \$35
21 on any person convicted of murder, a Class A crime, a Class B crime or a Class C crime
22 and \$20 on any person convicted of a Class D crime or a Class E crime, except that the
23 court shall impose an assessment of \$1,000 on any person convicted of aggravated sex
24 trafficking as described in Title 17-A, section 852, an assessment of \$500 on any person
25 convicted of sex trafficking as described in Title 17-A, section 853, an assessment of
26 \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of
27 engaging ~~in prostitution~~ a prostitute as described in Title 17-A, section ~~853-A~~ 853-B and
28 an assessment of \$500 on any person for the first conviction and \$1,000 for each
29 subsequent conviction of patronizing prostitution of a minor or patronizing prostitution of
30 a mentally disabled person as described in Title 17-A, section 855. Notwithstanding any
31 other law, the court may not waive the imposition of the assessment required by this
32 section. For purposes of collection and collection procedures, this assessment is
33 considered part of the fine. At the time of commitment, the court shall inform the
34 Department of Corrections or the county sheriff of any unpaid balances on assessments
35 owed by the offender to the Victims' Compensation Fund. All funds collected as a result
36 of these assessments accrue to the Victims' Compensation Fund.

37 **Emergency clause.** In view of the emergency cited in the preamble, this
38 legislation takes effect when approved.

1 **SUMMARY**

2 This bill corrects an inadvertent error made in the committee amendment to
3 Legislative Document 1730, which was enacted as Public Law 2013, chapter 537. The
4 intent was to impose an additional assessment to be paid to the Victims' Compensation
5 Fund on persons convicted of engaging a prostitute, which is described in the Maine
6 Revised Statutes, Title 17-A, section 853-B. The committee amendment was erroneously
7 printed and adopted with the assessment being imposed on persons convicted of a
8 violation of Title 17-A, section 853-A, which is engaging in prostitution. This bill
9 corrects who is subject to the additional Victims' Compensation Fund assessment.

10 This bill takes effect when approved.