

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 936

S.P. 327

In Senate, March 17, 2015

An Act To Protect Children from Sexual Predators, Sexual Abuse and Sexual Assault

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
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative MAREAN of Hollis and
Senators: GERZOFSKY of Cumberland, LIBBY of Androscoggin, Representatives:
PETERSON of Rumford, SHAW of Standish.

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

2 **Sec. 1. 17-A MRSA §254, sub-§1, ¶A**, as amended by PL 2001, c. 383, §21 and
3 affected by §156, is further amended to read:

4 A. The person engages in a sexual act with another person, not the actor's spouse,
5 who is either 14 or 15 years of age and the actor is at least 5 years older than the other
6 person. Violation of this paragraph is a Class ~~D~~ C crime;

7 **Sec. 2. 17-A MRSA §256, sub-§1, ¶A**, as amended by PL 2005, c. 655, §1, is
8 further amended to read:

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

14 **Sec. 3. 17-A MRSA §258, sub-§1**, as amended by PL 2003, c. 711, Pt. B, §5, is
15 further amended to read:

16 **1.** A person is guilty of sexual misconduct with a child ~~under~~ 14 years of age or
17 younger if that person, having in fact attained 18 years of age, knowingly displays any
18 sexually explicit materials to another person, not the actor's spouse, who has not in fact
19 attained the age of 14 years, with the intent to encourage the other person to engage in a
20 sexual act or sexual contact. Violation of this subsection is a Class ~~D~~ C crime.

21 **Sec. 4. 17-A MRSA §259-A, sub-§1, ¶A**, as enacted by PL 2011, c. 597, §3, is
22 amended to read:

23 A. The actor, with the intent to engage in a prohibited act with the other person,
24 knowingly solicits directly or indirectly that person by any means to engage in a
25 prohibited act and the actor:

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

27 (2) Knows or believes that the other person is ~~less than~~ 14 years of age or
28 younger; and

29 (3) Is at least 3 years older than the age expressed by the other person.

30 Violation of this paragraph is a Class ~~D~~ C crime; or

31 **Sec. 5. 17-A MRSA §262** is enacted to read:

32 **§262. Illegal traveling for the purpose of committing a sex offense**

33 **1.** A person is guilty of illegal traveling for the purpose of committing a sex offense
34 if the person travels, attempts to travel, transports a minor, attempts to transport a minor
35 or solicits or entices a minor to travel into, out of or within the State for any of the
36 following purposes:

- 1 A. Engaging in a sexual act with a minor that is prohibited under this chapter;
2 B. Engaging in sexual exploitation of a minor that is prohibited under chapter 12; or
3 C. Engaging in sex trafficking or prostitution that is prohibited under chapter 35.
4 2. Illegal traveling is a Class B crime.
5 3. For the purposes of this section, "minor" means a person who has not in fact
6 attained 18 years of age.

7 **Sec. 6. 17-A MRSA §281, sub-§4, ¶¶E and F**, as enacted by PL 2003, c. 711,
8 Pt. B, §12, are amended to read:

- 9 E. Lewd exhibition of the genitals, anus, breasts, buttocks or pubic area of a person.
10 An exhibition is considered lewd if the exhibition is designed for the purpose of
11 eliciting or attempting to elicit a sexual response in the intended viewer; or
12 F. Conduct that creates the appearance of the acts in paragraphs A to D and also
13 exhibits any uncovered or covered portions of the genitals, anus, breasts, buttocks or
14 pubic area.

15 **Sec. 7. 17-A MRSA §284, sub-§1, ¶A**, as amended by PL 2011, c. 50, §1, is
16 further amended to read:

17 A. Intentionally or knowingly transports, exhibits, purchases, possesses or accesses
18 with intent to view any book, magazine, newspaper, print, negative, slide, motion
19 picture, computer data file, videotape or other mechanically, electronically or
20 chemically reproduced visual image or material that the person knows or should
21 know depicts another person engaging in sexually explicit conduct, and:

- 22 (1) The other person has not in fact attained 16 years of age; or
23 (2) The person knows or has reason to know that the other person has not
24 attained 16 years of age.

25 Violation of this paragraph is a Class ~~D~~ C crime;

26 **Sec. 8. 17-A MRSA §285**, as enacted by PL 2003, c. 711, Pt. B, §12, is amended
27 to read:

28 **§285. Forfeiture of equipment used to facilitate violations and assets that are**
29 **proceeds of the violations**

30 **1.** Upon a finding of guilt of any violation of this chapter, but prior to sentencing,
31 an attorney for the State may, in writing, move the court for an order requiring the
32 forfeiture to the State of any equipment, including computers, that may have facilitated
33 the commission of the offense or of any assets that are directly or indirectly proceeds of
34 the violation. Notice of the motion must be made by the State to the defendant and any
35 party of interest; this notice must be done by registered mail. For the purposes of this
36 section, "assets" means all money, negotiable instruments, securities, personal property
37 and accounts held in a financial institution or held in any other manner in the name of the
38 defendant or in which the defendant has an ownership interest.

1 6. Expands current law on sexual exploitation of a minor that prohibits exhibiting
2 uncovered or covered portions of the genitals, anus or pubic area to include uncovered or
3 covered breasts or buttocks;

4 7. Raises to Class C the crime of possession of sexually explicit material showing a
5 child under 16 years of age engaging in sexually explicit conduct; and

6 8. Expands forfeiture of assets for a violation of the Maine Revised Statutes, Title
7 17-A , chapter 12, sexual exploitation of a minor, to provide for forfeiture of all money,
8 negotiable instruments, securities, personal property and accounts held in a financial
9 institution or held in any other manner in the name of the defendant or in which the
10 defendant has an ownership interest that are directly or indirectly proceeds of the
11 violation.