

MAINE STATE LEGISLATURE

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2 Date: 2/13/2018

(Filing No. S-355)

3 **CRIMINAL JUSTICE AND PUBLIC SAFETY**

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5 **STATE OF MAINE**

6 **SENATE**

7 **128TH LEGISLATURE**

8 **SECOND REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to S.P. 627, L.D. 1728, Bill, "An Act To
10 Increase the Penalty for Visual Sexual Aggression against a Child"

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

12 **'An Act To Amend Maine Criminal Code Sentencing Provisions Relating To**
13 **Increased Sentencing Class Based on Multiple Prior Convictions for Certain Violent**
14 **or Sexual Crimes'**

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

17 **'Sec. 1. 17-A MRSA §1252, sub-§4-A,** as amended by PL 2015, c. 470, §13, is
18 further amended to read:

19 **4-A.** If the State pleads and proves that, at the time any crime, excluding murder,
20 under chapter 9, 11, 12, 13 or 27 or 35, excluding section 853-A; section 402-A,
21 subsection 1, paragraph A; or section 752-A or 752-C was committed, or an attempt of
22 any such crime was committed, the defendant had 2 or more prior convictions under
23 chapter 9, 11, 12, 13 or 27 or 35, excluding section 853-A; section 402-A, subsection 1,
24 paragraph A; or section 752-A or 752-C, or for an attempt of any such crime, or for
25 engaging in substantially similar conduct in another jurisdiction, the sentencing class for
26 the crime is one class higher than it would otherwise be. In the case of a Class A crime,
27 the sentencing class is not increased, but the prior record must be given serious
28 consideration by the court when imposing a sentence. Section 9-A governs the use of
29 prior convictions when determining a sentence, except that, for the purposes of this
30 subsection, for violations under chapter 11, the dates of prior convictions may have
31 occurred at any time. This subsection does not apply to section 210-A if the prior
32 convictions have already served to enhance the sentencing class under section 210-A,
33 subsection 1, paragraph C or any other offense in which prior convictions have already
34 served to enhance the sentencing class.'

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SUMMARY

This amendment changes the title, replaces the bill and amends sentencing provisions under the Maine Criminal Code to include crimes involving sexual exploitation of minors, sex trafficking, prostitution and public indecency among the list of crimes for which the sentencing class is elevated based on multiple prior convictions or for which a prior conviction may serve to elevate the sentencing class of certain other crimes.