

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1728

S.P. 627

In Senate, December 22, 2017

An Act To Increase the Penalty for Visual Sexual Aggression against a Child

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, 2017. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator VITELLI of Sagadahoc.
Cosponsored by Representative PIERCE of Dresden and
Senators: CARSON of Cumberland, DESCHAMBAULT of York, KATZ of Kennebec,
MILLETT of Cumberland, Representatives: DeCHANT of Bath, McCREIGHT of Harpswell,
PERRY of Calais, VACHON of Scarborough.

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

2 **Sec. 1. 17-A MRSA §256, sub-§1**, as amended by PL 2007, c. 688, §1, is further
3 amended to read:

4 1. A person is guilty of visual sexual aggression against a child if:

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

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

15 C. For the purpose of arousing or gratifying sexual desire, the actor, having in fact
16 attained 18 years of age, intentionally engages in visual surveillance, aided or
17 unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks,
18 genitals, anus or pubic area of another person, not the actor's spouse and not having in
19 fact attained 14 years of age, under circumstances in which a reasonable person
20 would expect to be safe from such visual surveillance. Violation of this paragraph is
21 a Class ~~D~~ C crime; ~~or.~~

22 ~~D. For the purpose of arousing or gratifying sexual desire, the actor, having in fact~~
23 ~~attained 18 years of age, intentionally engages in visual surveillance, aided or~~
24 ~~unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks,~~
25 ~~genitals, anus or pubic area of another person, not the actor's spouse and not having in~~
26 ~~fact attained 12 years of age, under circumstances in which a reasonable person~~
27 ~~would expect to be safe from such visual surveillance. Violation of this paragraph is~~
28 ~~a Class C crime.~~

29 **SUMMARY**

30 Current law prohibits visual sexual aggression against a child, which is either a Class
31 C crime if the child has not attained 12 years of age or a Class D crime if the child has not
32 attained 14 years of age.

33 This bill amends that law to provide that visual sexual aggression against a child who
34 has not attained 14 years of age is a Class C crime and retains as an element of the crime
35 the motivation of the actor committing the crime for the purpose of causing affront or
36 alarm when the actor exposes the actor's genitals to another person or causes the other
37 person to expose that person's genitals to the actor.