

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 332

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H.P. 257

House of Representatives, January 24, 2019

### **An Act To Remove the Statute of Limitations for Certain Sex Crimes**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative TIPPING of Orono.  
Cosponsored by Senator HERBIG of Waldo and  
Representatives: CARDONE of Bangor, DAUGHTRY of Brunswick, MOONEN of Portland,  
RECKITT of South Portland, RILEY of Jay, SHEATS of Auburn, Senator: KEIM of Oxford.

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

2 **Sec. 1. 17-A MRSA §8, sub-§1**, as amended by PL 1999, c. 438, §1, is repealed  
3 and the following enacted in its place:

4 1. It is a defense that prosecution was commenced after the expiration of the  
5 applicable period of limitations provided in this section, except that the following  
6 prosecutions may be commenced at any time:

7 A. A prosecution for murder or criminal homicide in the first or 2nd degree;

8 B. A prosecution for a Class A, Class B or Class C crime involving incest; unlawful  
9 sexual contact; sexual abuse of a minor; or rape or gross sexual assault, formerly  
10 denominated as gross sexual misconduct. This paragraph does not apply to a Class D  
11 crime involving unlawful sexual contact or gross sexual assault enhanced to a Class C  
12 crime pursuant to section 1252, subsection 4-A; or

13 C. If the victim had not attained 16 years of age at the time of the crime, a  
14 prosecution for a Class D or Class E crime involving incest; unlawful sexual contact;  
15 sexual abuse of a minor; or rape or gross sexual assault, formerly denominated as  
16 gross sexual misconduct.

17 **Sec. 2. 17-A MRSA §8, sub-§2**, as amended by PL 2013, c. 392, §1, is repealed.

18 **Sec. 3. 17-A MRSA §8, sub-§2-A**, as enacted by PL 2013, c. 392, §2, is  
19 repealed.

20 **Sec. 4. 17-A MRSA §8, sub-§2-B** is enacted to read:

21 2-B. Except as provided in subsection 1, a prosecution for a Class A, Class B or  
22 Class C crime must be commenced within 6 years after it is committed and a prosecution  
23 for a Class D or Class E crime must be commenced within 3 years after it is committed.

24 **Sec. 5. Application.** This Act applies to the following crimes committed on or  
25 after the effective date of this Act or for which the prosecution has not yet been barred by  
26 the statute of limitations in force immediately prior to the effective date of this Act: gross  
27 sexual assault under the Maine Revised Statutes, Title 17-A, section 253; sexual abuse of  
28 a minor under Title 17-A, section 254; unlawful sexual contact under Title 17-A, section  
29 255-A; and incest under Title 17-A, section 556.

30 **SUMMARY**

31 This bill amends the portions of the Maine Criminal Code pertaining to statutes of  
32 limitations to remove statutes of limitations governing the prosecution of Class A, Class  
33 B or Class C crimes involving incest; unlawful sexual contact; sexual abuse of a minor;  
34 or rape or gross sexual assault, formerly denominated as gross sexual misconduct.

35 These changes apply only to those sexual crimes committed on or after the effective  
36 date of this legislation or for which the prosecution has not yet been barred by the statute  
37 of limitations in force immediately prior to the effective date of this legislation.