

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

---

Legislative Document

No. 1351

S.P. 436

In Senate, April 7, 2021

**An Act To Amend Certain Provisions of the Maine Criminal Code  
and the Maine Bail Code**

---

Received by the Secretary of the Senate on April 5, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LAWRENCE of York.

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

2 **PART A**

3 **Sec. A-1. 17-A MRSA §255-A, sub-§1, ¶S**, as amended by PL 2005, c. 450, §1,  
4 is further amended to read:

5 S. The other person, not the actor's spouse, is in fact less than 18 years of age and is a  
6 student enrolled in a private or public elementary, secondary or special education  
7 school, facility or institution and the actor, who is at least 21 years of age, is a teacher,  
8 employee or other official in the school district, school union, educational unit, school,  
9 facility or institution in which the student is enrolled. Violation of this paragraph is a  
10 Class ~~E~~ D crime;

11 **Sec. A-2. 17-A MRSA §255-A, sub-§1, ¶T**, as amended by PL 2005, c. 450, §1,  
12 is repealed.

13 **Sec. A-3. 17-A MRSA §260, sub-§1, ¶J**, as amended by PL 2011, c. 423, §7, is  
14 further amended to read:

15 J. The other person, not the actor's spouse, is in fact less than 18 years of age and is a  
16 student enrolled in a private or public elementary, secondary or special education  
17 school, facility or institution and the actor, who is at least 21 years of age, is a teacher,  
18 employee or other official in the school district, school union, educational unit, school,  
19 facility or institution in which the student is enrolled. Violation of this paragraph is a  
20 Class ~~E~~ D crime;

21 **Sec. A-4. 17-A MRSA §261, sub-§1**, as amended by PL 2009, c. 365, Pt. A, §1,  
22 is further amended by amending the first blocked paragraph to read:

23 Violation of this subsection is a Class ~~E~~ D crime.

24 **Sec. A-5. 17-A MRSA §353, sub-§1, ¶B**, as amended by PL 2007, c. 476, §10, is  
25 further amended by amending subparagraph (5) to read:

26 (5) The value of the property is more than \$500 but not more than \$1,000.  
27 Violation of this subparagraph is a Class D crime; ~~or~~

28 **Sec. A-6. 17-A MRSA §353, sub-§1, ¶B**, as amended by PL 2007, c. 476, §10, is  
29 further amended by enacting a new subparagraph (7) to read:

30 (7) The person has 2 or more prior convictions for any combination of conduct  
31 prohibited by paragraph A or Maine offenses listed in this subparagraph or for  
32 engaging in substantially similar conduct to conduct prohibited by paragraph A or  
33 Maine offenses listed in this subparagraph in another jurisdiction. The Maine  
34 offenses are: theft; any violation of section 401 in which the crime intended to be  
35 committed inside the structure is theft; any violation of section 405 in which the  
36 crime intended to be committed inside the motor vehicle is theft; any violation of  
37 section 651; any violation of section 702, 703 or 708; or attempts to commit any  
38 of these crimes. Section 9-A governs the use of prior convictions when  
39 determining a sentence. Violation of this subparagraph is a Class D crime; or

40 **Sec. A-7. 17-A MRSA §354, sub-§1, ¶B**, as amended by PL 2007, c. 476, §11, is  
41 further amended by amending subparagraph (5) to read:

1 (5) The value of the property is more than \$500 but not more than \$1,000.  
2 Violation of this subparagraph is a Class D crime; ø

3 **Sec. A-8. 17-A MRSA §354, sub-§1, ¶B**, as amended by PL 2007, c. 476, §11, is  
4 further amended by amending subparagraph (6) to read:

5 (6) The person has 2 or more prior convictions for any combination of the Maine  
6 offenses listed in this subparagraph or for engaging in substantially similar conduct  
7 to that of the Maine offenses listed in this subparagraph in another jurisdiction.  
8 The Maine offenses are: theft; any violation of section 401 in which the crime  
9 intended to be committed inside the structure is theft; any violation of section 405  
10 in which the crime intended to be committed inside the motor vehicle is theft; any  
11 violation of section 651; any violation of section 702, 703 or 708; or attempts to  
12 commit any of these crimes. Section 9-A governs the use of prior convictions when  
13 determining a sentence. Violation of this subparagraph is a Class C crime; or

14 **Sec. A-9. 17-A MRSA §354, sub-§1, ¶B**, as amended by PL 2007, c. 476, §11, is  
15 further amended by enacting a new subparagraph (7) to read:

16 (7) The person has 2 or more prior convictions for any combination of conduct  
17 prohibited by paragraph A or Maine offenses listed in this subparagraph or for  
18 engaging in substantially similar conduct to the conduct prohibited by paragraph  
19 A of Maine offenses listed in this subparagraph in another jurisdiction. The Maine  
20 offenses are: theft; any violation of section 401 in which the crime intended to be  
21 committed inside the structure is theft; any violation of section 405 in which the  
22 crime intended to be committed inside the motor vehicle is theft; any violation of  
23 section 651; any violation of section 702, 703 or 708; or attempts to commit any  
24 of these crimes. Section 9-A governs the use of prior convictions when  
25 determining a sentence. Violation of this subparagraph is a Class D crime.

26 **Sec. A-10. 17-A MRSA §354-A, sub-§1, ¶B**, as amended by PL 2007, c. 476,  
27 §12, is further amended by amending subparagraph (5) to read:

28 (5) The value of the property is more than \$500 but not more than \$1,000.  
29 Violation of this subparagraph is a Class D crime; ø

30 **Sec. A-11. 17-A MRSA §354-A, sub-§1, ¶B**, as amended by PL 2007, c. 476,  
31 §12, is further amended by amending subparagraph (6) to read:

32 (6) The person has 2 or more prior convictions for any combination of the Maine  
33 offenses listed in this subparagraph or for engaging in substantially similar conduct  
34 to that of the Maine offenses listed in this subparagraph in another jurisdiction.  
35 The Maine offenses are: theft; any violation of section 401 in which the crime  
36 intended to be committed inside the structure is theft; any violation of section 405  
37 in which the crime intended to be committed inside the motor vehicle is theft; any  
38 violation of section 651; any violation of section 702, 703 or 708; or attempts to  
39 commit any of these crimes. Section 9-A governs the use of prior convictions when  
40 determining a sentence. Violation of this subparagraph is a Class C crime; or

41 **Sec. A-12. 17-A MRSA §354-A, sub-§1, ¶B**, as amended by PL 2007, c. 476,  
42 §12, is further amended by enacting a new subparagraph (7) to read:

1                   (7) The person has 2 or more prior convictions for any combination of conduct  
2                   prohibited by paragraph A or Maine offenses listed in this subparagraph or for  
3                   engaging in substantially similar conduct to the conduct prohibited by paragraph  
4                   A or Maine offenses listed in this subparagraph in another jurisdiction. The Maine  
5                   offenses are: theft; any violation of section 401 in which the crime intended to be  
6                   committed inside the structure is theft; any violation of section 405 in which the  
7                   crime intended to be committed inside the motor vehicle is theft; any violation of  
8                   section 651; any violation of section 702, 703 or 708; or attempts to commit any  
9                   of these crimes. Section 9-A governs the use of prior convictions when  
10                   determining a sentence. Violation of this subparagraph is a Class D crime.

11                   **Sec. A-13. 17-A MRSA §356-A, sub-§1, ¶B**, as amended by PL 2007, c. 476,  
12 §13, is further amended by amending subparagraph (5) to read:

13                   (5) The value of the property is more than \$500 but not more than \$1,000.  
14                   Violation of this subparagraph is a Class D crime; or

15                   **Sec. A-14. 17-A MRSA §356-A, sub-§1, ¶B**, as amended by PL 2007, c. 476,  
16 §13, is further amended by amending subparagraph (6) to read:

17                   (6) The person has 2 or more prior convictions for any combination of the Maine  
18                   offenses listed in this subparagraph or for engaging in substantially similar conduct  
19                   to that of the Maine offenses listed in this subparagraph in another jurisdiction.  
20                   The Maine offenses are: theft; any violation of section 401 in which the crime  
21                   intended to be committed inside the structure is theft; any violation of section 405  
22                   in which the crime intended to be committed inside the motor vehicle is theft; any  
23                   violation of section 651; any violation of section 702, 703 or 708; or attempts to  
24                   commit any of these crimes. Section 9-A governs the use of prior convictions when  
25                   determining a sentence. Violation of this subparagraph is a Class C crime; or

26                   **Sec. A-15. 17-A MRSA §356-A, sub-§1, ¶B**, as amended by PL 2007, c. 476,  
27 §13, is further amended by enacting a new subparagraph (7) to read:

28                   (7) The person has 2 or more prior convictions for any combination of conduct  
29                   prohibited by paragraph A or Maine offenses listed in this subparagraph or for  
30                   engaging in substantially similar conduct to the conduct prohibited by paragraph  
31                   A or Maine offenses listed in this subparagraph in another jurisdiction. The Maine  
32                   offenses are: theft; any violation of section 401 in which the crime intended to be  
33                   committed inside the structure is theft; any violation of section 405 in which the  
34                   crime intended to be committed inside the motor vehicle is theft; any violation of  
35                   section 651; any violation of section 702, 703 or 708; or attempts to commit any  
36                   of these crimes. Section 9-A governs the use of prior convictions when  
37                   determining a sentence. Violation of this subparagraph is a Class D crime.

38                   **Sec. A-16. 17-A MRSA §357, sub-§1, ¶B**, as amended by PL 2007, c. 476, §14,  
39 is further amended by amending subparagraph (4) to read:

40                   (4) The value of the services is more than \$500 but not more than \$1,000.  
41                   Violation of this subparagraph is a Class D crime; or

42                   **Sec. A-17. 17-A MRSA §357, sub-§1, ¶B**, as amended by PL 2007, c. 476, §14,  
43 is further amended by amending subparagraph (5) to read:

1 (5) The person has 2 or more prior convictions for any combination of the Maine  
2 offenses listed in this subparagraph or for engaging in substantially similar conduct  
3 to that of the Maine offenses listed in this subparagraph in another jurisdiction.  
4 The Maine offenses are: theft; any violation of section 401 in which the crime  
5 intended to be committed inside the structure is theft; any violation of section 405  
6 in which the crime intended to be committed inside the motor vehicle is theft; any  
7 violation of section 651; any violation of section 702, 703 or 708; or attempts to  
8 commit any of these crimes. Section 9-A governs the use of prior convictions when  
9 determining a sentence. Violation of this subparagraph is a Class C crime; or

10 **Sec. A-18. 17-A MRSA §357, sub-§1, ¶B**, as amended by PL 2007, c. 476, §14,  
11 is further amended by enacting a new subparagraph (6) to read:

12 (6) The person has 2 or more prior convictions for any combination of conduct  
13 prohibited by paragraph A or Maine offenses listed in this subparagraph or for  
14 engaging in substantially similar conduct to the conduct prohibited by paragraph  
15 A or Maine offenses listed in this subparagraph in another jurisdiction. The Maine  
16 offenses are: theft; any violation of section 401 in which the crime intended to be  
17 committed inside the structure is theft; any violation of section 405 in which the  
18 crime intended to be committed inside the motor vehicle is theft; any violation of  
19 section 651; any violation of section 702, 703 or 708; or attempts to commit any  
20 of these crimes. Section 9-A governs the use of prior convictions when  
21 determining a sentence. Violation of this subparagraph is a Class D crime.

22 **Sec. A-19. 17-A MRSA §358, sub-§1, ¶B**, as amended by PL 2007, c. 476, §16,  
23 is further amended by amending subparagraph (8) to read:

24 (8) The person is a payroll processor and has 2 or more prior convictions for any  
25 combination of the Maine offenses listed in this subparagraph or for engaging in  
26 substantially similar conduct to that of the Maine offenses listed in this  
27 subparagraph in another jurisdiction. The Maine offenses are: theft; any violation  
28 of section 401 in which the crime intended to be committed inside the structure is  
29 theft; any violation of section 405 in which the crime intended to be committed  
30 inside the motor vehicle is theft; any violation of section 651; any violation of  
31 section 702, 703 or 708; or attempts to commit any of these crimes. Section 9-A  
32 governs the use of prior convictions when determining a sentence. Violation of  
33 this subparagraph is a Class B crime; or

34 **Sec. A-20. 17-A MRSA §358, sub-§1, ¶B**, as amended by PL 2007, c. 476, §16,  
35 is further amended by amending subparagraph (9) to read:

36 (9) The person has 2 or more prior convictions for any combination of the Maine  
37 offenses listed in this subparagraph or for engaging in substantially similar conduct  
38 to that of the Maine offenses listed in this subparagraph in another jurisdiction.  
39 The Maine offenses are: theft; any violation of section 401 in which the crime  
40 intended to be committed inside the structure is theft; any violation of section 405  
41 in which the crime intended to be committed inside the motor vehicle is theft; any  
42 violation of section 651; any violation of section 702, 703 or 708; or attempts to  
43 commit any of these crimes. Section 9-A governs the use of prior convictions when  
44 determining a sentence. Violation of this subparagraph is a Class C crime; or

1           **Sec. A-21. 17-A MRSA §358, sub-§1, ¶B**, as amended by PL 2007, c. 476, §16,  
2 is further amended by enacting a new subparagraph (10) to read:

3           (10) The person has 2 or more prior convictions for any combination of conduct  
4 prohibited by paragraph A or Maine offenses listed in this subparagraph or for  
5 engaging in substantially similar conduct to the conduct prohibited by paragraph  
6 A or Maine offenses listed in this subparagraph in another jurisdiction. The Maine  
7 offenses are: theft; any violation of section 401 in which the crime intended to be  
8 committed inside the structure is theft; any violation of section 405 in which the  
9 crime intended to be committed inside the motor vehicle is theft; any violation of  
10 section 651; any violation of section 702, 703 or 708; or attempts to commit any  
11 of these crimes. Section 9-A governs the use of prior convictions when  
12 determining a sentence. Violation of this subparagraph is a Class D crime.

13           **Sec. A-22. 17-A MRSA §359, sub-§1, ¶B**, as amended by PL 2007, c. 476, §17,  
14 is further amended by amending subparagraph (5) to read:

15           (5) The value of the property is more than \$500 but not more than \$1,000.  
16 Violation of this subparagraph is a Class D crime; or

17           **Sec. A-23. 17-A MRSA §359, sub-§1, ¶B**, as amended by PL 2007, c. 476, §17,  
18 is further amended by amending subparagraph (6) to read:

19           (6) The person has 2 or more prior convictions for any combination of the Maine  
20 offenses listed in this subparagraph or for engaging in substantially similar conduct  
21 to that of the Maine offenses listed in this subparagraph in another jurisdiction.  
22 The Maine offenses are: theft; any violation of section 401 in which the crime  
23 intended to be committed inside the structure is theft; any violation of section 405  
24 in which the crime intended to be committed inside the motor vehicle is theft; any  
25 violation of section 651; any violation of section 702, 703 or 708; or attempts to  
26 commit any of these crimes. Section 9-A governs the use of prior convictions when  
27 determining a sentence. Violation of this subparagraph is a Class C crime; or

28           **Sec. A-24. 17-A MRSA §359, sub-§1, ¶B**, as amended by PL 2007, c. 476, §17,  
29 is further amended by enacting a new subparagraph (7) to read:

30           (7) The person has 2 or more prior convictions for any combination of conduct  
31 prohibited by paragraph A or Maine offenses listed in this subparagraph or for  
32 engaging in substantially similar conduct to the conduct prohibited by paragraph  
33 A or Maine offenses listed in this subparagraph in another jurisdiction. The Maine  
34 offenses are: theft; any violation of section 401 in which the crime intended to be  
35 committed inside the structure is theft; any violation of section 405 in which the  
36 crime intended to be committed inside the motor vehicle is theft; any violation of  
37 section 651; any violation of section 702, 703 or 708; or attempts to commit any  
38 of these crimes. Section 9-A governs the use of prior convictions when  
39 determining a sentence. Violation of this subparagraph is a Class D crime.

40           **Sec. A-25. 17-A MRSA §552, sub-§3**, as enacted by PL 1975, c. 499, §1, is  
41 amended to read:

42           3. Nonsupport of dependents is a Class ~~E~~ D crime.

1           **Sec. A-26. 17-A MRSA §853-A, sub-§1**, as amended by PL 2019, c. 113, Pt. C,  
2 §64, c. 131, §1 and c. 316, §1, is further amended to read:

3           **1.** A person who has in fact attained 18 years of age is guilty of engaging in prostitution  
4 if:

5           A. The person engages in prostitution as defined in section 851. Violation of this  
6 paragraph is a Class E crime, ~~except that the sentencing alternative may include only~~  
7 ~~the penalties provided in section 1704, subsection 5 and section 1705, subsection 5;~~ or

8           B. The person violates paragraph A and, at the time of the offense, the person has one  
9 or more prior convictions under this section or for engaging in substantially similar  
10 conduct to that contained in this section in another jurisdiction. Section 9-A governs  
11 the use of prior convictions when determining a sentence, except that, for the purposes  
12 of this paragraph, the date of the prior conviction may not precede the commission of  
13 the offense by more than 2 years. Violation of this paragraph is a Class ~~E~~ D crime.

14           **Sec. A-27. 17-A MRSA §1604, sub-§1**, as enacted by PL 2019, c. 113, Pt. A, §2,  
15 is amended to read:

16           **1. Maximum terms of imprisonment dependent on crime class.** Unless a different  
17 maximum term of imprisonment is specified by statute, the maximum term of  
18 imprisonment is as follows:

19           A. In the case of a Class A crime, 30 years;

20           B. In the case of a Class B crime, 10 years;

21           C. In the case of a Class C crime, 5 years; or

22           D. In the case of a Class D crime, less than one year; ~~or,~~

23           ~~E. In the case of a Class E crime, 6 months.~~

24           Unless a specific term of imprisonment is required by statute to be imposed, no term of  
25 imprisonment may be imposed for a Class E crime.

26           **Sec. A-28. 17-A MRSA §1604, sub-§5, ¶D** is enacted to read:

27           D. If the State pleads and proves that, at the time that any Class E crime was  
28 committed, the defendant had 2 or more prior convictions in this State for the same  
29 Class E crime or for an attempt to commit that Class E crime or for a crime involving  
30 substantially similar conduct or for an attempt to commit that crime in another  
31 jurisdiction, the sentencing class for the crime is one class higher than it would  
32 otherwise be.

33           **Sec. A-29. 17-A MRSA §1610, sub-§1**, as enacted by PL 2019, c. 113, Pt. A, §2,  
34 is amended to read:

35           **1. Class D ~~or~~ Class E crimes.** The court shall specify a county jail as the place of  
36 imprisonment for an individual convicted of a Class D ~~or~~ Class E crime, except that, if a  
37 sentence to a term of imprisonment in a county jail is consecutive to or is to be followed  
38 by a sentence to a term of imprisonment in the custody of the Department of Corrections,  
39 the court imposing either sentence may order that both be served in the custody of the  
40 Department of Corrections. If a court imposes consecutive terms of imprisonment for Class



1 D ~~or Class E~~ crimes and the aggregate length of the terms imposed is one year or more, the  
2 court may order that they be served in the custody of the Department of Corrections.

3 **Sec. A-30. 17-A MRSA §1802, sub-§1, ¶B**, as enacted by PL 2019, c. 113, Pt. A,  
4 §2, is amended to read:

5 B. The conviction is for a Class D ~~or Class E~~ crime other than:

6 (1) A Class D ~~or Class E~~ crime relative to which, based upon both the written  
7 agreement of the parties and a court finding, the facts and circumstances of the  
8 underlying criminal episode giving rise to the conviction generated probable cause  
9 to believe the person had committed a Class A, Class B or Class C crime in the  
10 course of that criminal episode and, as agreed upon in writing by the parties and  
11 found by the court, the person does not have a prior conviction for murder or for a  
12 Class A, Class B or Class C crime and has not been placed on probation pursuant  
13 to this subparagraph on any prior occasion;

14 (2) A Class D crime that the State pleads and proves was committed against a  
15 family or household member or a dating partner under chapter 9 or 13 or section  
16 554, 555 or 758;

17 (3) A Class D crime under Title 5, section 4659, subsection 1; Title 15, section  
18 321, subsection 6; or Title 19-A, section 4011, subsection 1;

19 (4) A Class D ~~or Class E~~ crime in chapter 11 or 12;

20 (5) A Class D crime under section 210-A;

21 (6) A Class ~~E~~ D crime under section 552;

22 (7) A Class D ~~or Class E~~ crime under section 556, section 853, section 854,  
23 excluding subsection 1, paragraph A, subparagraph (1), or section 855;

24 (8) A Class D crime in chapter 45 relating to a schedule W drug;

25 (9) A Class D ~~or Class E~~ crime under Title 29-A, section 2411, subsection 1-A,  
26 paragraph B;

27 (10) A Class D crime under Title 17, section 1031; or

28 (11) A Class ~~E~~ D crime under Title 15, section 1092, subsection 1, paragraph A,  
29 if the condition of release violated is specified in Title 15, section 1026, subsection  
30 3, paragraph A, subparagraph (5) or (8) and the underlying crime involved  
31 domestic violence;

32 **Sec. A-31. 19-A MRSA §2152, sub-§11**, as amended by PL 2019, c. 113, Pt. C,  
33 §65, is further amended to read:

34 **11. Confidentiality of information; unlawful dissemination; penalty.** All  
35 information collected in connection with the department's child support enforcement  
36 activity and medical support recoupment pursuant to this section is confidential and  
37 available only for the use of appropriate departmental personnel and legal counsel for the  
38 department in carrying out their functions. A person is guilty of unlawful dissemination if  
39 that person knowingly disseminates information in violation of this subsection. Unlawful  
40 dissemination is a Class E crime that, notwithstanding Title 17-A, section 1604, subsection

1 1, ~~paragraph E~~, is punishable by a fine of not more than \$500 or by imprisonment for not  
2 more than 30 days.

3 **Sec. A-32. 22 MRSA §4008, sub-§4**, as amended by PL 2019, c. 113, Pt. C, §67,  
4 is further amended to read:

5 **4. Unlawful dissemination; penalty.** A person is guilty of unlawful dissemination if  
6 the person knowingly disseminates records that are determined confidential by this section,  
7 in violation of the mandatory or optional disclosure provisions of this section. Unlawful  
8 dissemination is a Class E crime that, notwithstanding Title 17-A, section 1604, subsection  
9 1, ~~paragraph E~~, is punishable by a fine of not more than \$500 or by imprisonment for not  
10 more than 30 days.

11 **Sec. A-33. 34-A MRSA §3035, sub-§4, ¶B**, as amended by PL 2019, c. 113, Pt.  
12 C, §89, is further amended to read:

13 B. Interference with a rehabilitative program or furlough is a Class E crime, except  
14 that, notwithstanding Title 17-A, section 1604, subsection 1, ~~paragraph E~~, the court  
15 may sentence a person to imprisonment for not more than 11 months.

16 **Sec. A-34. 34-A MRSA §11203, sub-§6, ¶B**, as repealed and replaced by PL  
17 2013, c. 424, Pt. A, §19, is amended to read:

18 B. A violation under former Title 17, section 2922; former Title 17, section 2923;  
19 former Title 17, section 2924; Title 17-A, section 253, subsection 2, paragraph E, F, G,  
20 H, I or J; Title 17-A, section 254; former Title 17-A, section 255, subsection 1,  
21 paragraph A, E, F, G, I or J; former Title 17-A, section 255, subsection 1, paragraph B  
22 or D if the crime was not elevated a class under former Title 17-A, section 255,  
23 subsection 3; Title 17-A, section 255-A, subsection 1, paragraph A, B, C, F-2, G, I, J,  
24 K, L, M, N, Q, R, ~~or S or T~~; Title 17-A, section 256; Title 17-A, section 258; former  
25 Title 17-A, section 259; Title 17-A, section 282; Title 17-A, section 283; Title 17-A,  
26 section 284; Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3),  
27 unless the actor is a parent of the victim; Title 17-A, section 511, subsection 1,  
28 paragraph D; Title 17-A, section 556; Title 17-A, section 852, subsection 1, paragraph  
29 B; or Title 17-A, section 855;

## 30 PART B

31 **Sec. B-1. 15 MRSA §1026, sub-§2-A**, as enacted by PL 2007, c. 374, §5, is  
32 amended to read:

33 **2-A. Release on personal recognizance or unsecured appearance bond.** The  
34 judicial officer shall order the pretrial release of the defendant for a Class E offense. For  
35 all other criminal offenses, the judicial officer shall order the pretrial release of the  
36 defendant on personal recognizance or upon execution of an unsecured appearance bond in  
37 an amount specified by the judicial officer, unless, after consideration of the factors listed  
38 in subsection 4, the judicial officer determines that:

39 A. The release would not reasonably ensure the appearance of the defendant as  
40 required;

41 B. The release would not reasonably ensure that the defendant would refrain from any  
42 new criminal conduct;

- 1 C. The release would not reasonably ensure the integrity of the judicial process; or
- 2 D. The release would not reasonably ensure the safety of others in the community.

3 **Sec. B-2. 15 MRSA §1091, sub-§1, ¶A**, as enacted by PL 2003, c. 452, Pt. H, §2  
4 and affected by Pt. X, §2, is amended to read:

- 5 A. A Class ~~E~~ D crime if the underlying crime was punishable by a maximum period  
6 of imprisonment of less than one year; or

7 **Sec. B-3. 15 MRSA §1091-A, sub-§1, ¶A**, as enacted by PL 1995, c. 456, §1, is  
8 amended to read:

- 9 A. A Class ~~E~~ D crime if the underlying crime was punishable by a maximum period  
10 of imprisonment of less than one year; or

11 **Sec. B-4. 15 MRSA §1092, sub-§1, ¶A**, as enacted by PL 2003, c. 452, Pt. H, §3  
12 and affected by Pt. X, §2, is amended to read:

- 13 A. A Class ~~E~~ D crime; or

14 **Sec. B-5. 15 MRSA §1092, sub-§4, ¶A**, as enacted by PL 2011, c. 341, §3, is  
15 amended to read:

- 16 A. The condition of release alleged to be violated relates to new criminal conduct for  
17 a crime classified as Class C or above or for a Class D ~~or Class E~~ crime involving  
18 domestic violence, sexual assault pursuant to Title 17-A, chapter 11 or sexual  
19 exploitation of minors pursuant to Title 17-A, chapter 12;

## 20 SUMMARY

21 This bill amends provisions of the Maine Criminal Code in Part A and provisions of  
22 the Maine Bail Code in Part B.

23 In Part A this bill strengthens the laws on unlawful sexual contact with a prohibited  
24 person, unlawful sexual touching and prohibited contact with a minor. The bill decreases  
25 the class of certain subsequent convictions of theft by unauthorized taking or transfer, theft  
26 by deception, insurance deception, theft of lost, mislaid or mistakenly delivered property,  
27 theft of services, theft by misapplication of property and receiving stolen property. The  
28 bill increases the penalty for nonsupport of dependents and repeat convictions for engaging  
29 in prostitution and repeals the provisions of law that limit sentences for engaging in  
30 prostitution to fines. With regard to certain crimes of theft, the bill raises the class of a  
31 Class E crime when at the time that the crime was committed the defendant has 2 or more  
32 prior convictions for that crime or a substantially similar crime or an attempt to commit  
33 that crime in Maine or another jurisdiction. With respect to Class E crimes, the bill repeals  
34 provisions of law that limit the place of imprisonment to a county jail and allows  
35 commitment to the Department of Corrections. Also, with respect to Class E crimes, the  
36 bill repeals the maximum term of imprisonment of 6 months, which is currently required  
37 to be imposed if the statute does not specify a term, and instead specifies that there may be  
38 no term of imprisonment imposed for a Class E crime unless a specific term is required by  
39 statute. The bill repeals the provision of law that prohibits sentences of probation for certain  
40 Class E crimes.

1           In Part B this bill requires pretrial release for a person charged with a Class E offense.  
2           The bill increases from Class E to Class D the penalties for a person who fails to appear  
3           while on preconviction or postconviction bail and a juvenile who fails to report after stay  
4           of execution. The bill raises the level of crime from Class E to Class D for a defendant on  
5           preconviction or postconviction bail who violates a condition of release.