

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 115

S.P. 54

In Senate, January 9, 2023

### **An Act to Protect Minors from Exploitation by Adults for Violation of Privacy**

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Reference to the Committee on Criminal Justice and Public Safety suggested 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 BAILEY of York.  
Cosponsored by Senators: DUSON of Cumberland, RENY of Lincoln, Representatives:  
GRAMLICH of Old Orchard Beach, JAUCH of Topsham, LaROCHELLE of Augusta,  
LOOKNER of Portland.

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

2 **Sec. 1. 17-A MRSA §511, sub-§1**, as amended by PL 2021, c. 373, §1, is further  
3 amended to read:

4 **1.** A person is guilty of violation of privacy if, except in the execution of a public duty  
5 or as authorized by law, that person intentionally:

6 A. Commits a civil trespass on property with the intent to overhear or observe any  
7 person in a private place. Violation of this paragraph is a Class D crime;

8 B. Installs or uses in a private place without the consent of the person or persons  
9 entitled to privacy in that place, any device for observing, photographing, recording,  
10 amplifying or broadcasting sounds or events in that place. Violation of this paragraph  
11 is a Class D crime;

12 C. Installs or uses outside a private place without the consent of the person or persons  
13 entitled to privacy therein any device for observing, photographing, hearing, recording,  
14 amplifying or broadcasting images or sounds originating in that place that would not  
15 ordinarily be visible, audible or comprehensible outside that place. Violation of this  
16 paragraph is a Class D crime; or

17 D. Engages in visual surveillance in a public place by means of mechanical or  
18 electronic equipment with the intent to observe or photograph, or record, amplify or  
19 broadcast an image of any portion of the body of another person present in that place  
20 when that portion of the body is in fact concealed from public view under clothing and  
21 a reasonable person would expect it to be safe from surveillance. Violation of this  
22 paragraph is a Class D crime; or

23 E. Violates paragraph A, B, C or D and the other person subject to a violation of  
24 privacy has not in fact attained 16 years of age, except that it is not a violation of this  
25 paragraph if the other person is 14 or 15 years of age and the person who violates  
26 paragraph A, B, C or D is less than 5 years older than the other person. Violation of  
27 this paragraph is a Class C crime.

28 **Sec. 2. 17-A MRSA §511, sub-§3**, as enacted by PL 1975, c. 499, §1, is repealed.

29 **Sec. 3. 34-A MRSA §11273, sub-§14**, as amended by PL 2021, c. 527, §1, is  
30 further amended by enacting a new 2nd blocked paragraph to read:

31 "Tier I offense" includes a conviction under or an attempt, solicitation or conspiracy to  
32 violate Title 17-A, section 511, subsection 1, paragraph E.

33 **SUMMARY**

34 Currently, violation of privacy is a Class D crime in all cases. This bill raises violation  
35 of privacy to a Class C crime when the victim has not attained 16 years of age, except if  
36 the victim is 14 or 15 years of age and the person committing the violation of privacy is  
37 less than 5 years older than the victim. This bill also makes this violation of privacy a Tier  
38 I offense under the Sex Offender Registration and Notification Act of 2013.