

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1261

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H.P. 809

House of Representatives, March 21, 2023

**An Act to Establish Mandatory Minimum Sentences for Gross  
Sexual Assaults and Sex Trafficking of Children**

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Reference to the Committee on Judiciary suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative ADAMS of Lebanon.  
Cosponsored by Representative GREENWOOD of Wales, Senator BRAKEY of  
Androscoggin, Senator HARRINGTON of York and  
Representatives: BAGSHAW of Windham, FREDERICKS of Sanford, JAVNER of Chester,  
LAVIGNE of Berwick, LEMELIN of Chelsea, PAUL of Winterport, POMERLEAU of  
Standish.

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

2 **Sec. 1. 17-A MRSA §253-A, sub-§2**, as enacted by PL 2019, c. 113, Pt. B, §14, is  
3 amended to read:

4 **2. ~~Any term of years~~ Gross sexual assault against individual not yet 12 years of**  
5 **age; mandatory sentence alternative.** If the State pleads and proves that a crime under  
6 section 253 was committed against an individual who had not yet attained 12 years of age,  
7 the court, notwithstanding any provision of law to the contrary, shall impose a definite term  
8 of imprisonment ~~for any term~~ of not less than 25 years, none of which may be suspended.  
9 In determining the basic term of imprisonment as the first step in the sentencing process  
10 specified in section 1602, subsection 1, paragraph A, the court shall select a definite term  
11 of ~~at least 20~~ not less than 25 years, none of which may be suspended. The court shall also  
12 impose as part of the sentence a period of supervised release to immediately follow that  
13 definite term of imprisonment as mandated by section 1881, subsection 1.

14 **Sec. 2. 17-A MRSA §253-A, sub-§2-A** is enacted to read:

15 **2-A. Gross sexual assault against individual not yet 12 years of age; repeat**  
16 **offenders; mandatory sentence alternative.** If the State pleads and proves that a crime  
17 under section 253 was committed against an individual who had not yet attained 12 years  
18 of age and that the defendant had previously been convicted and sentenced for committing  
19 gross sexual assault, formerly denominated as gross sexual misconduct, or rape against an  
20 individual who had not yet attained 12 years of age or that the defendant had previously  
21 been convicted and sentenced for engaging in substantially similar conduct in another  
22 jurisdiction against an individual who had not yet attained 12 years of age, the court,  
23 notwithstanding any provision of law to the contrary, shall impose a term of imprisonment  
24 for life.

25 **Sec. 3. 17-A MRSA §1604, sub-§2, ¶B**, as enacted by PL 2019, c. 113, Pt. A, §2,  
26 is amended to read:

27 B. If the State pleads and proves that the defendant is a repeat sexual assault offender,  
28 the court may set a definite term of imprisonment under section 253-A, subsection 1  
29 for any term of years; ~~and~~

30 **Sec. 4. 17-A MRSA §1604, sub-§2, ¶C**, as enacted by PL 2019, c. 113, Pt. A, §2,  
31 is amended to read:

32 C. In the case of the Class A crime of gross sexual assault against an individual who  
33 had not yet attained 12 years of age, the court shall set a definite term of imprisonment  
34 under section 253-A, subsection 2 ~~for any term~~ of not less than 25 years, none of which  
35 may be suspended; and

36 **Sec. 5. 17-A MRSA §1604, sub-§2, ¶D** is enacted to read:

37 D. In the case of the Class A crime of aggravated sex trafficking where the State pleads  
38 and proves that the defendant knowingly promoted prostitution of a person who had  
39 not yet attained 12 years of age, the court shall set a definite term of imprisonment of  
40 not less than 25 years, none of which may be suspended.

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## SUMMARY

This bill provides that if the State pleads and proves that a gross sexual assault was committed against an individual who had not yet attained 12 years of age, the court is required to impose a definite term of imprisonment of not less than 25 years, none of which may be suspended. It also provides that, in the case of a gross sexual assault committed against an individual who had not yet attained 12 years of age when the defendant had previously been convicted and sentenced for committing gross sexual assault, formerly denominated as gross sexual misconduct, or rape against an individual who had not yet attained 12 years of age or that the defendant had previously been convicted and sentenced for engaging in substantially similar conduct in another jurisdiction against an individual who had not yet attained 12 years of age, the court is required to instead impose a term of imprisonment for life. It also provides that, in the case of aggravated sex trafficking where the State pleads and proves that the defendant knowingly promoted prostitution of a person who had not yet attained 12 years of age, the court shall set a definite term of imprisonment of not less than 25 years, none of which may be suspended.