

MAINE STATE LEGISLATURE

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L D 1657

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Date 6/9/23

(Filing No S-250)

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

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SENATE

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131ST LEGISLATURE

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FIRST SPECIAL SESSION

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COMMITTEE AMENDMENT "A" to S P 662, L D 1657, "An Act to Amend the Law Governing Certain Sexual Offenses"

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Amend the bill by striking out the title and substituting the following

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'An Act to Define "Consent" and Amend the Law Governing Certain Sexual Offenses'

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Amend the bill by striking out everything after the enacting clause and inserting the following

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'Sec. 1. 17-A MRSA §251, sub-§1, ¶E-1 is enacted to read

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E-1 "Consent" means a word or action by a person that indicates a freely given agreement

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Sec. 2. 17-A MRSA §253, sub-§2, ¶M, as amended by PL 2021, c 608, Pt E, §1, is further amended to read

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~~M The other person has not expressly or impliedly acquiesced~~ consented to the sexual act and the actor is criminally negligent with regard to whether the other person has ~~acquiesced~~ consented Violation of this paragraph is a Class C crime, or

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Sec. 3. 17-A MRSA §255-A, sub-§1, ¶A, as amended by PL 2021, c 608, Pt E, §2, is further amended to read

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~~A The other person has not expressly or impliedly acquiesced in~~ consented to the sexual contact and the actor is criminally negligent with regard to whether the other person has ~~acquiesced~~ consented Violation of this paragraph is a Class D crime,

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Sec. 4. 17-A MRSA §255-A, sub-§1, ¶B, as amended by PL 2021, c 608, Pt E, §3, is further amended to read

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~~B The other person has not expressly or impliedly acquiesced in~~ consented to the sexual contact, the actor is criminally negligent with regard to whether the other person has ~~acquiesced~~ consented and the sexual contact includes penetration Violation of this paragraph is a Class C crime,

COMMITTEE AMENDMENT

ROS

COMMITTEE AMENDMENT "A" to SP 662, LD 1657 (S 25e)

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Sec. 5. 17-A MRSA §260, sub-§1, ¶A, as amended by PL 2021, c 608, Pt E, §4, is further amended to read

A The other person has not ~~expressly or impliedly acquiesced in~~ consented to the sexual touching and the actor is criminally negligent with regard to whether the other person has ~~acquiesced~~ consented Violation of this paragraph is a Class D crime.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively

SUMMARY

This amendment, which is the majority report of the committee, defines the term "consent" in the Maine Criminal Code's provisions concerning sexual assault crimes to mean "a word or action by a person that indicates a freely given agreement " It also changes the terms "expressly or impliedly acquiesced" and "acquiesced" to "consented" in the elements of the criminal offenses of gross sexual assault, unlawful sexual contact and unlawful sexual touching