

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1657

S.P. 662

In Senate, April 13, 2023

An Act to Amend the Law Governing Certain Sexual Offenses

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 Representative PERKINS of Dover-Foxcroft and
Senator: HARRINGTON of York, Representatives: ARDELL of Monticello, HASENFUS of
Readfield, SALISBURY of Westbrook.

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

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

4 M. The other person has not ~~expressly or impliedly acquiesced~~ consented to the sexual
5 act and the actor is criminally negligent with regard to whether the other person has
6 ~~acquiesced~~ consented. For purposes of this paragraph, "consent" means a word or
7 action by a person that indicates a freely given agreement. Violation of this paragraph
8 is a Class C crime; or

9 **Sec. 2. 17-A MRSA §255-A, sub-§1, ¶A**, as amended by PL 2021, c. 608, Pt. E,
10 §2, is further amended to read:

11 A. The other person has not ~~expressly or impliedly acquiesced in~~ consented to the
12 sexual contact and the actor is criminally negligent with regard to whether the other
13 person has ~~acquiesced~~ consented. For purposes of this paragraph, "consent" means a
14 word or action by a person that indicates a freely given agreement. Violation of this
15 paragraph is a Class D crime;

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

18 B. The other person has not ~~expressly or impliedly acquiesced in~~ consented to the
19 sexual contact, the actor is criminally negligent with regard to whether the other person
20 has ~~acquiesced~~ consented and the sexual contact includes penetration. For purposes of
21 this paragraph, "consent" means a word or action by a person that indicates a freely
22 given agreement. Violation of this paragraph is a Class C crime;

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

25 A. The other person has not ~~expressly or impliedly acquiesced in~~ consented to the
26 sexual touching and the actor is criminally negligent with regard to whether the other
27 person has ~~acquiesced~~ consented. For purposes of this paragraph, "consent" means a
28 word or action by a person that indicates a freely given agreement. Violation of this
29 paragraph is a Class D crime;

30 **SUMMARY**

31 This bill changes the terms "expressly or impliedly acquiesced" and "acquiesced" to
32 "consented" in the elements of the criminal offenses of gross sexual assault, unlawful
33 sexual contact and unlawful sexual touching and provides a definition of consent for these
34 offenses as "a word or action by a person that indicates a freely given agreement."