

MAINE STATE LEGISLATURE

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S.M.
ROS.

LD 1790

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Date

(Filing No S-342)

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JUDICIARY

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STATE OF MAINE

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SENATE

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131ST LEGISLATURE

8

FIRST SPECIAL SESSION

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COMMITTEE AMENDMENT "A" to S P 715, L D 1790, "An Act Removing the Statute of Limitations on Criminal and Civil Actions Involving Sexual Abuse of Minors"

11

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

12

'An Act Removing the Statute of Limitations on Civil Actions and Criminal Prosecutions for Certain Sexual Offenses Against Minors'

13

14

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

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16

Sec. 1. 14 MRSA §752-C, sub-§2, as enacted by PL 1999, c 639, §1, is amended to read

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2 Sexual acts toward minors defined As used in this section, "sexual acts toward minors" means the following acts that are committed against or engaged in with a person under the age of majority

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21

~~A Sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph C, or~~

22

~~B Sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D~~

23

C Gross sexual assault, as described in Title 17-A, section 253,

24

D Sexual abuse of a minor, as described in Title 17-A, section 254,

25

E Unlawful sexual contact, as described in Title 17-A, section 255-A,

26

F Unlawful sexual touching, as described in Title 17-A, section 260,

27

G Sexual exploitation of a minor, as described in Title 17-A, section 282, or

28

H Incest, as described in Title 17-A, section 556

29

Sec. 2. 17-A MRSA §8, sub-§1, ¶B, as enacted by PL 2019, c 483, §1, is amended to read

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31

B If the victim had not attained the age of ~~16~~ 18 years at the time of the crime, a prosecution for incest, unlawful sexual contact, sexual abuse of a minor, or rape or

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1 gross sexual assault, formerly denominated as gross sexual misconduct, unlawful
2 sexual touching, or sexual exploitation of a minor

3 **Sec. 3. Application.** That section of this Act that amends the Maine Revised
4 Statutes, Title 17-A, section 8, subsection 1, paragraph B applies to the following crimes
5 in which a victim has not attained 18 years of age at the time of the crime

6 1 Incest, unlawful sexual contact, sexual abuse of a minor, gross sexual assault,
7 unlawful sexual touching or sexual exploitation of a minor committed on or after the
8 effective date of this Act, and

9 2 Incest, unlawful sexual contact, sexual abuse of a minor, rape or gross sexual assault,
10 formerly denominated as gross sexual misconduct, unlawful sexual touching or sexual
11 exploitation of a minor for which the prosecution was not barred by the statute of
12 limitations in force immediately prior to the effective date of this Act '

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

15 **SUMMARY**

16 This amendment replaces the bill and changes the title The amendment removes the
17 limitations period for a civil action or criminal prosecution based on conduct against a
18 minor victim that qualifies as the crime of incest, unlawful sexual contact, sexual abuse of
19 a minor, rape or gross sexual assault, formerly denominated as gross sexual misconduct,
20 unlawful sexual touching or sexual exploitation of a minor Pursuant to the Maine Revised
21 Statutes, Title 14, section 752-C, subsection 3, this legislation applies to all civil actions
22 based upon such conduct with a minor victim regardless of whether the civil statute of
23 limitations on such action expired prior to the effective date of the legislation This
24 legislation applies to a criminal prosecution based on such conduct with a minor victim
25 either if the criminal conduct is committed on or after the effective date of this legislation
26 or if the prosecution has not yet been barred by the criminal statute of limitations in force
27 immediately prior to the effective date of this legislation

28 **FISCAL NOTE REQUIRED**

29 (See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 1790

LR 1361(02)

An Act Removing the Statute of Limitations on Criminal and Civil Actions Involving Sexual Abuse of Minors

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Minor revenue increase - General Fund

Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

This bill adds certain Class A, B, and C crimes against minors to the list of actions without limitations on prosecution. The current average cost of incarcerating one individual for a single year is \$55,203.

This bill may increase the number of cases filed in the court system. The additional workload associated with the minimal number of new cases does not require additional funding at this time.

The collection of additional filing fees will increase General Fund revenue by minor amounts and the collection of additional fines will increase General Fund or other dedicated revenue by minor amounts.