

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1790

S.P. 715

In Senate, April 25, 2023

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

Reference to the Committee on Judiciary 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 BALDACCI of Penobscot.

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

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

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:

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

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

C. Any conduct constituting a crime under Title 17-A, chapter 11 or 12 or Title 17-A, section 556.

Sec. 2. 17-A MRSA §8, sub-§1, as repealed and replaced by PL 2019, c. 483, §1, is amended to read:

1. It is a defense that prosecution was commenced after the expiration of the applicable period of limitations provided in this section, except that the following prosecutions may be commenced at any time:

A. A prosecution for murder or criminal homicide in the first or 2nd degree; or

B. If the victim had not attained the age of 16 years at the time of the crime, a prosecution for incest; unlawful sexual contact; sexual abuse of a minor; or rape or gross sexual assault, formerly denominated as gross sexual misconduct; or

C. For an offense committed on or after the effective date of this paragraph, if the victim had not attained 18 years of age at the time of the offense, a prosecution for an offense under chapter 11 or chapter 12.

SUMMARY

This bill removes any statute of limitations in a civil or criminal matter for an offense classified as a sexual assault or as sexual exploitation of a minor. For a criminal offense, the provisions of this legislation apply to an offense committed on or after the effective date of the provisions of this bill if the victim had not attained 18 years of age at the time of the offense.