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An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age

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

Sec. 1. 17-A MRSA §1231, sub-§2, ¶B, as amended by PL 2005, c. 673, §2, is further amended to read:

B. For a person not sentenced under section 1252, ~~subsection~~ subsection 4-B or 4-E or 4-F, a period not to exceed 10 years for a Class A violation of section 253 and a period not to exceed 6 years for a Class B or Class C violation of section 253; and

Sec. 2. 17-A MRSA §1252, sub-§4-E, as enacted by PL 2005, c. 673, §4, is amended to read:

4-E. If the State pleads and proves that a crime under section 253 was committed against a person who had not yet attained 12 years of age, the court, notwithstanding subsection 2, shall impose a definite term of imprisonment for any term of at least 25 years, none of which may be suspended. ~~In determining the basic term of imprisonment as the first step in the sentencing process, the court shall select a term of at least 20 years.~~

Sec. 3. 17-A MRSA §1252, sub-§4-F is enacted to read:

4-F. If the State pleads and proves that a crime under section 253 was committed against a person who had not yet attained 12 years of age and that the defendant had previously been convicted and sentenced for committing gross sexual assault, formerly denominated as gross sexual misconduct, or rape, or conduct substantially similar to one of these crimes that is a crime under the laws of the United States or any other state, against a person who had not yet attained 12 years of age, the court, notwithstanding subsection 2, shall impose a term of imprisonment of life, none of which may be suspended.

SUMMARY

This bill changes the sentence for gross sexual assault against a victim who is under 12 years of age to a period of imprisonment of 25 years, none of which may be suspended. If the defendant had previously been convicted and sentenced for committing gross sexual assault, rape or gross sexual misconduct against a person who is under 12 years of age, the court must impose a sentence of life imprisonment, none of which may be suspended.