

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the amendment by striking out all of Part A and inserting the following:

PART A

Sec. A-1. 17-A MRSA §301, sub-§2, as amended by PL 2001, c. 383, §26 and affected by §156, is further amended to read:

2. "Restrain" means to restrict substantially the movements of another person without the other person's consent or other lawful authority by:

A. Removing the other person from the other person's residence; ~~or~~ place of business; or from a school; ~~or~~

B. Moving the other person a substantial distance from the vicinity where the other person is found; ~~or~~

C. Confining the other person for a substantial period either in the place where the restriction commences or in a place to which the other person has been moved; ~~;~~

D. Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document or other actual or purported government identification document of the other person; or

E. Using any scheme, plan or pattern intended to cause the other person to believe that if the person does not perform certain labor or services, including prostitution, that the person or another person will suffer serious harm or restraint.'

Amend the amendment in Part B in section 1 in §4701 in subsection 1 in paragraph A in the first and 2nd lines (page 3, lines 29 and 30 in amendment) by striking out the following: "under Title 17-A, chapter 10"

Amend the amendment in Part B in section 1 in §4701 in subsection 1 by inserting after paragraph B the following:

'C. "Human trafficking offense" means kidnapping or criminal restraint under Title 17-A, section 301 or 302 when the crime involves restraining a person by destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document or other actual or purported government identification document of the other person or using any scheme, plan or pattern intended to cause that person to believe that if the person does not perform certain labor or services, including prostitution, that the person or another person will suffer serious harm or restraint.'

Amend the amendment in Part C in section 2 in subsection 9 in the last line (page 4, line 32 in amendment) by striking out the following: "under Title 17-A, chapter 10" and inserting the following: 'as defined in Title 5, section 4701, subsection 1, paragraph C'

Amend the amendment in Part D in section 1 in paragraph F in the 3rd line from the end (page 5, line 11 in amendment) by striking out the following: "under chapter 10" and inserting the following: 'as defined in Title 5, section 4701, subsection 1, paragraph C'

Amend the amendment in Part E in section 3 by striking out all of paragraph I (page 5, line 30 in amendment) and inserting the following:

'I. Causing a human trafficking offense as defined in Title 5, section 4701, subsection 1, paragraph C.'

Amend the amendment by inserting after Part F the following:

PART G

Sec. G-1. Criminal Code Revision Commission. By March 1, 2009, the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters, after consultation with the joint standing committee of the Legislature having jurisdiction over judiciary matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, shall submit legislation to the First Regular Session of the 124th Legislature establishing the Criminal Code Revision Commission, for the purpose of reviewing, revising, unifying, recodifying and consolidating Maine's criminal laws, including, but not limited to, the Maine Criminal Code. The commission shall:

1. Examine all sections of the Maine Criminal Code and all crimes outside the Maine Criminal Code;
2. Evaluate the operation of the Maine Criminal Code in an effort to revise the Maine Criminal Code as necessary to ensure clarity, consistency, generalization in defining prohibited conduct, that all penalties and punishments are proportioned to the offense and equity in sentencing. The commission shall recommend amendments to the Maine Criminal Code based on such evaluation and amendments to other criminal statutes outside the Maine Criminal Code; and
3. Examine any other aspects of Maine's criminal law, including substantive, procedural and administrative matters, that the commission determines relevant.

The legislation must provide that the Criminal Code Revision Commission may accept federal and other grants to carry out its responsibilities.'

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

SUMMARY

This amendment strikes and replaces Part A of Committee Amendment "B". The amendment removes the crimes of causing involuntary servitude, human trafficking and aggravated human trafficking. "Human trafficking offense" is defined to mean kidnapping or criminal restraint as defined in the Maine Revised Statutes, Title 17-A, section 301 or 302 when the crime involves restraining a person by destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document or other actual or purported government identification document of the other person or using any scheme, plan or pattern intended to cause that person to believe that if the person does not perform certain labor or services, including prostitution, that the person or another person will suffer serious harm or restraint. The amendment adds elements of the definition of "human trafficking" to the definition of "restrain."

This amendment also adds a new part that requires the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters, after consultation with the joint standing committees of the Legislature having jurisdiction over judiciary matters and appropriations and financial affairs, to submit legislation to the First Regular Session of the 124th Legislature establishing the Criminal Code Revision Commission for the purpose of reviewing, revising, unifying, recodifying and consolidating Maine's criminal laws, including, but not limited to, the Maine Criminal Code. A comprehensive revision of the Maine Criminal Code has not occurred since 1976.

FISCAL NOTE REQUIRED
(See attached)