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JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1082, L.D. 1683, “An Act to Provide for Civil Recovery Based on Nonconsensual Removal of or Tampering with a Condom and Considering Sexual Assault in Evaluating Parental Rights”

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 14 MRSA c. 750 is enacted to read:

CHAPTER 750

CIVIL RECOVERY FOR NONCONSENSUAL REMOVAL OF OR TAMPERING WITH A CONDOM

§8305. Civil recovery for nonconsensual removal of or tampering with a condom

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Compensatory damages" includes, but is not limited to, past and future medical expenses, lost earnings, pain, suffering, mental anguish, emotional distress and loss of enjoyment of life.

B. "Sexual act" has the same meaning as in Title 17-A, section 251, subsection 1, paragraph C.

C. "Tamper" means to alter or use an item in a way that renders the item ineffective.

2. Civil action; relief. A person who engages in a consensual sexual act with another person with the understanding that a condom would be used during the sexual act may bring a civil action against the other person for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those or any other appropriate relief based on the nonconsensual removal of or tampering with a condom if the other person:

A. Knowingly removes or tampers with the condom;

COMMITTEE AMENDMENT

