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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 549, L.D. 1715, “An Act To Amend the Laws Prohibiting Teachers, Employees and Other Officials from Engaging in Sexual Activity with Students”

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

Sec. 1. 17-A MRSA §253, sub-§2, ¶F, as amended by PL 2015, c. 509, §1, is further amended to read:

F. The other person, not the actor's spouse, is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student or the actor was a substitute teacher who had instructional, supervisory or disciplinary authority over the student at any time during the 12 months prior to the sexual act. Violation of this paragraph is a Class C crime;

Sec. 2. 17-A MRSA §253, sub-§2, ¶G, as amended by PL 2013, c. 179, §2, is further amended to read:

G. The other person, not the actor's spouse, has not attained the age of 18 years and is a resident in or attending a children's home, child care facility, facility operated by a family child care provider, children's residential care facility, drug treatment center, youth camp licensed under Title 22, section 2495 or similar school, facility or institution regularly providing care or services for children, and the actor is a teacher, employee or other person having instructional, supervisory or disciplinary authority over the other person or the actor was a substitute teacher who had instructional, supervisory or disciplinary authority over the student at any time during the 12 months prior to the sexual act. Violation of this paragraph is a Class C crime;

Sec. 3. 17-A MRSA §255-A, sub-§1, ¶K, as amended by PL 2015, c. 509, §2, is further amended to read:

COMMITTEE AMENDMENT

1 K. The other person, not the actor's spouse, is a student enrolled in a private or public
2 elementary, secondary or special education school, facility or institution and the actor
3 is a teacher, employee or other official having instructional, supervisory or disciplinary
4 authority over the student or the actor was a substitute teacher who had instructional,
5 supervisory or disciplinary authority over the student at any time during the 12 months
6 prior to the sexual contact. Violation of this paragraph is a Class D crime;

7 **Sec. 4. 17-A MRSA §255-A, sub-§1, ¶L**, as amended by PL 2015, c. 509, §2, is
8 further amended to read:

9 L. The other person, not the actor's spouse, is a student enrolled in a private or public
10 elementary, secondary or special education school, facility or institution and the actor
11 is a teacher, employee or other official having instructional, supervisory or disciplinary
12 authority over the student and the sexual contact includes penetration or the actor was
13 a substitute teacher who had instructional, supervisory or disciplinary authority over
14 the student at any time during the 12 months prior to the sexual contact and the sexual
15 contact included penetration. Violation of this paragraph is a Class C crime;

16 **Sec. 5. 17-A MRSA §260, sub-§1, ¶F**, as amended by PL 2015, c. 509, §3, is
17 further amended to read:

18 F. The other person, not the actor's spouse, is a student enrolled in a private or public
19 elementary, secondary or special education school, facility or institution and the actor
20 is a teacher, employee or other official having instructional, supervisory or disciplinary
21 authority over the student or the actor was a substitute teacher who had instructional,
22 supervisory or disciplinary authority over the student at any time during the 12 months
23 prior to the sexual touching. Violation of this paragraph is a Class D crime;

24 **Sec. 6. 19-A MRSA §1653, sub-§6-A, ¶A**, as amended by PL 2015, c. 509, §4, is
25 further amended to read:

26 A. For the purposes of this section, "child-related sexual offense" means the following
27 sexual offenses if, at the time of the commission of the offense, the victim was under
28 18 years of age or the victim was a student enrolled in a private or public elementary,
29 secondary or special education school, facility or institution and the person was a
30 teacher, employee or other official having instructional, supervisory or disciplinary
31 authority over the student or the person was a substitute teacher who had instructional,
32 supervisory or disciplinary authority over the student at any time during the 12 months
33 prior to the time of the commission of the offense:

- 34 (1) Sexual exploitation of a minor, under Title 17-A, section 282;
- 35 (2) Gross sexual assault, under Title 17-A, section 253;
- 36 (3) Sexual abuse of a minor, under Title 17-A, section 254;
- 37 (4) Unlawful sexual contact, under Title 17-A, section 255-A or former section
38 255;
- 39 (5) Visual sexual aggression against a child, under Title 17-A, section 256;
- 40 (6) Sexual misconduct with a child under 14 years of age, under Title 17-A, section
41 258;

1 (6-A) Solicitation of a child to commit a prohibited act, under Title 17-A, section
2 259-A; or

3 (7) An offense in another jurisdiction that involves conduct that is substantially
4 similar to that contained in subparagraph (1), (2), (3), (4), (5), (6) or (6-A). For
5 purposes of this subparagraph, "another jurisdiction" means the Federal
6 Government, the United States military, the District of Columbia, the
7 Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana
8 Islands, the United States Virgin Islands, Guam, American Samoa and each of the
9 several states except Maine. "Another jurisdiction" also means the
10 Passamaquoddy Tribe when that tribe has acted pursuant to Title 30, section
11 6209-A, subsection 1, paragraph A or B and the Penobscot Nation when that tribe
12 has acted pursuant to Title 30, section 6209-B, subsection 1, paragraph A or B.'

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. It prohibits sexual acts, sexual contact and sexual
17 touching between a student and a substitute teacher who had instructional, supervisory or
18 disciplinary authority over the student at any time during the 12 months prior to the sexual
19 act, sexual contact or sexual touching. It amends the statute on parental rights and
20 responsibilities to require the court to consider, in establishing the conditions of awards of
21 parent-child contact and residence, a sexual offense by a substitute teacher under these new
22 laws.