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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 54, L.D. 115, “An Act to Protect Minors from Exploitation by Adults for Violation of Privacy”

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

Sec. 1. 17-A MRSA §511, sub-§1, ¶C, as amended by PL 2021, c. 373, §1, is further amended to read:

C. Installs or uses outside a private place without the consent of the person or persons entitled to privacy therein any device for observing, photographing, hearing, recording, amplifying or broadcasting images or sounds originating in that place that would not ordinarily be visible, audible or comprehensible outside that place; ~~or~~

Sec. 2. 17-A MRSA §511, sub-§1, ¶D, as enacted by PL 1997, c. 467, §1, is amended to read:

D. Engages in visual surveillance in a public place by means of mechanical or electronic equipment with the intent to observe or photograph, or record, amplify or broadcast an image of any portion of the body of another person present in that place when that portion of the body is in fact concealed from public view under clothing and a reasonable person would expect it to be safe from surveillance.;

Sec. 3. 17-A MRSA §511, sub-§1, ¶E is enacted to read:

E. Violates paragraph A, B, C or D and the other person subject to a violation of privacy has not in fact attained 16 years of age; or

Sec. 4. 17-A MRSA §511, sub-§1, ¶F is enacted to read:

F. Violates paragraph A, B, C or D for the purpose of arousing or gratifying the sexual desire of that person or another person.

Sec. 5. 34-A MRSA §11273, sub-§14, ¶C-1 is enacted to read:

C-1. Title 17-A, section 511, subsection 1, paragraph F, regardless of the age of the victim;

COMMITTEE AMENDMENT

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

3 **SUMMARY**

4 This amendment is the minority report of the committee and it replaces the bill. The
5 amendment:

6 1. Eliminates the exception in the bill to the crime of a violation of privacy if the other
7 person is 14 or 15 years of age and the person who commits the violation of privacy is less
8 than 5 years older than the other person;

9 2. Removes the Class C crime designation for a violation of privacy under certain
10 circumstances, keeping violation of privacy a Class D crime in all instances; and

11 3. Creates an additional offense of violation of privacy when it is done for the purpose
12 of arousing or gratifying the sexual desire of that person or another person. It makes this
13 offense a Tier I offense under the Sex Offender Registration and Notification Act of 2013.