Date:
(Filing No. H- )

## CRIMINAL JUSTICE AND PUBLIC SAFETY

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# STATE OF MAINE <br> HOUSE OF REPRESENTATIVES <br> 130TH LEGISLATURE <br> SECOND REGULAR SESSION 

COMMITTEE AMENDMENT " " to H.P. 1410, L.D. 1903, "An Act To Update Criminal and Related Statutes and Respond to Decisions of the Law Court"

Amend the bill in Part B in section 5 in paragraph D in the 2nd line (page 2, line 40 in L.D.) by inserting after the following: "tribe" the following: 'this State or'

Amend the bill by striking out all of Part E and inserting the following:
'PARTE
Sec. E-1. 17-A MRSA §253, sub-§2, $\boldsymbol{T} \mathbf{M}$, as amended by PL 2019, c. 438, §2, is further amended to read:
M. The other person has not expressly or impliedly acquiesced to the sexual act and the actor is criminally negligent with regard to whether the other person has acquiesced.
Violation of this paragraph is a Class C crime; or
Sec. E-2. 17-A MRSA §255-A, sub-§1, $\mathbb{4} \mathbf{A}$, as enacted by PL 2001, c. 383, §23 and affected by $\S 156$, is amended to read:
A. The other person has not expressly or impliedly acquiesced in the sexual contact and the actor is criminally negligent with regard to whether the other person has acquiesced. Violation of this paragraph is a Class D crime;
Sec. E-3. 17-A MRSA §255-A, sub-§1, $\mathbb{T} \mathbf{B}$, as enacted by PL 2001, c. 383, §23 and affected by $\S 156$, is amended to read:
B. The other person has not expressly or impliedly acquiesced in the sexual contact, the actor is criminally negligent with regard to whether the other person has acquiesced and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;

Sec. E-4. 17-A MRSA §260, sub-§1, $\llbracket$ A , as enacted by PL 2003, c. 138 , $\S 5$, is amended to read:
A. The other person has not expressly or impliedly acquiesced in the sexual touching and the actor is criminally negligent with regard to whether the other person has acquiesced. Violation of this paragraph is a Class D crime;'
Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

## SUMMARY

This amendment changes the mens rea requirement for the Class C crime of gross sexual assault under the Maine Revised Statutes, Title $17-\mathrm{A}$, section 253, subsection 2, paragraph M to criminal negligence and makes the same change to the corresponding Class C and Class D crimes of unlawful sexual contact and the corresponding Class D crime of unlawful sexual touching.

