

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

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, immediate action by the Legislature is necessary to close a loophole in the current statute regarding sexual exploitation of a minor in order to ensure prosecutors have the necessary tools to prosecute these cases and to better protect children; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, ’

Amend the bill by inserting after section 2 the following:

Sec. 3. 17-A MRSA §284, sub-§5, as enacted by PL 2009, c. 608, §4, is amended to read:

5. For purposes of this section, any element of age of the person depicted means the age of the person at the time the sexually explicit conduct occurred, not the age of the person depicted at the time of dissemination or, possession or accessing of the sexually explicit visual image or material.’

Amend the bill by adding before the summary the following:

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.’

SUMMARY

This amendment adds an emergency preamble and clause and, to be consistent with changes in the bill, also amends the Maine Revised Statutes, Title 17-A, section 284, subsection 5 to include the word "accessing" in the provision dealing with the interpretation of age of the person being depicted in a sexually explicit visual image or material.