

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

An Act To Protect Young Children from Sex Offenses

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §255-A, sub-§1, ¶E-1, as enacted by PL 2003, c. 711, Pt. B, §3, is amended to read:

E-1. The other person, not the actor's spouse, is in fact less than 12 years of age and the actor is at least 3 years older. Violation of this paragraph is a Class ~~B~~A crime;

Sec. 2. 17-A MRSA §255-A, sub-§1, ¶F-1, as enacted by PL 2003, c. 711, Pt. B, §3, is repealed.

Sec. 3. 17-A MRSA §258, sub-§1-A, as enacted by PL 2003, c. 711, Pt. B, §6, is amended to read:

1-A. A person is guilty of sexual misconduct with a child under 12 years of age if that person, having in fact attained 18 years of age, knowingly displays any sexually explicit materials to another person, not the actor's spouse, who has not in fact attained 12 years of age, with the intent to encourage the other person to engage in a sexual act or sexual contact. Violation of this subsection is a Class ~~C~~B crime.

Sec. 4. 34-A MRSA §11203, sub-§7, ¶A, as amended by PL 2009, c. 365, Pt. B, §13 and affected by §22, is further amended to read:

A. A conviction for one of the offenses or for an attempt to commit one of the offenses under former Title 17-A, section 252; under Title 17-A, section 253, subsection 1; Title 17-A, section 253, subsection 2, paragraph A, B, C or D; former Title 17-A, section 255, subsection 1, paragraph C or H; former Title 17-A, section 255, subsection 1, paragraph B or D, if the crime was elevated a class under former Title 17-A, section 255, subsection 3; Title 17-A, section 255-A, subsection 1, paragraph D, E, E-1, F, ~~F-1~~, H, O or P;

SUMMARY

Current law provides that most sex crimes against a child under 12 years of age, such as gross sexual assault, unlawful sexual contact and sexual exploitation of a minor, are Class A or Class B crimes. This bill increases the class of crime for sexual misconduct with a child under 12 years of age from a Class C to a Class B crime and for unlawful sexual contact with a child under 12 years of age, when the defendant is at least 3 years older, to a Class A crime to bring those crimes more in line with the classification of other sex crimes against children under 12 years of age.

Due to the increase in the classification of unlawful sexual contact to a Class A, the Maine Revised Statutes, Title 17-A, section 255-A, subsection 1, paragraph F-1 was made redundant and so is repealed.