

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 striking out the title and substituting the following:

**'An Act To Fund the Computer Crimes
Unit and Combat Human Sex Trafficking'**

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

'Sec. 1. 17-A MRSA §852, sub-§2, as enacted by PL 1975, c. 499, §1, is amended to read:

2. As used in this section, "compelling" includes but is not limited to:

A. The use of a drug or intoxicating substance to render a person incapable of controlling ~~his~~that person's conduct or appreciating its nature; ~~and~~

B. Withholding or threatening to withhold a narcotic drug or alcoholic liquor from a drug or alcohol-dependent person. A "drug or alcohol-dependent person" is one who is using narcotic drugs or alcoholic liquor and who is in a state of psychic or physical dependence or both, arising from the use of the drug or alcohol on a continuing basis.;

C. Making material false statements, misstatements or omissions;

D. Withholding, destroying or confiscating an actual or purported passport or other immigration document or other actual or purported government identification document with the intent to impair a person's freedom of movement;

E. Requiring prostitution to be performed to retire, repay or service an actual or purported debt; and

F. Using force or engaging in any scheme, plan or pattern to instill in a person a fear that, if the person does not engage or continue to engage in prostitution, the actor or another person will:

(1) Cause physical injury or death to a person;

(2) Cause damage to property, other than property of the actor;

(3) Engage in other conduct constituting a Class A, B or C crime, kidnapping or criminal restraint;

(4) Accuse some person of a crime or cause criminal charges or deportation proceedings to be instituted against some person;

(5) Expose a secret or publicize an asserted fact, regardless of veracity, tending to subject some person, except the actor, to hatred, contempt or ridicule;

(6) Testify or provide information or withhold testimony or information regarding another person's legal claim or defense;

(7) Use a position as a public servant to perform some act related to that person's official duties or fail or refuse to perform an official duty in a manner that adversely affects some other person;
or

(8) Perform any other act that would not in itself materially benefit the actor but that is calculated to harm the person being compelled with respect to that person's health, safety or immigration status.

Sec. 2. Allotment; General Fund; State Police appropriations. Notwithstanding any provision of law to the contrary, the Commissioner of Public Safety shall request adjustments to the allotments of the funds appropriated in this Act by financial order upon approval of the Governor. These allotments are considered adjustments to appropriations in fiscal year 2012-13.

Sec. 3. Report. The Commissioner of Public Safety shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on or before January 15, 2013 regarding the expenditure of the allotted amounts provided under this Act. The joint standing committee may report out legislation to the First Regular Session of the 126th Legislature regarding matters contained in the report.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

State Police 0291

Initiative: Provides funding to identify and investigate child abuse and exploitation, including, but not limited to, the use of computer images of children for sexual exploitation.

| GENERAL FUND | 2011-12 | 2012-13 |
|---------------------------|----------------|------------------|
| Unallocated | \$0 | \$350,000 |
| GENERAL FUND TOTAL | \$0 | \$350,000 |

SUMMARY

This amendment is the minority report. It replaces the bill except that it retains the changes proposed in the bill regarding the crime of aggravated promotion of prostitution. Unlike the majority report, it does not provide a direct appropriation to the computer crimes unit within the Department of Public Safety, Bureau of State Police. Instead, it provides a General Fund appropriation of \$350,000 in fiscal year 2012-13 for the Department of Public Safety, Bureau of State Police to identify and investigate child abuse and exploitation, including, but not limited to, the use of computer images of children for sexual exploitation.

It also requires the Commissioner of Public Safety to report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2013 regarding the expenditure of funds provided by the legislation. It authorizes that committee to report out legislation to the First Regular Session of the 126th Legislature regarding matters contained in the report.

FISCAL NOTE REQUIRED
(See attached)