

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 Increase the Penalty for Visual Sexual Aggression against a Child

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

Sec. 1. 17-A MRSA §256, sub-§1, as amended by PL 2007, c. 688, §1, is further amended to read:

1. A person is guilty of visual sexual aggression against a child if:

A. For the purpose of arousing or gratifying sexual desire or for the purpose of causing affront or alarm, the actor, having in fact attained 18 years of age, exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor and the other person, not the actor's spouse, has not in fact attained 14 years of age. Violation of this paragraph is a Class ~~D~~C crime; or

~~B. For the purpose of arousing or gratifying sexual desire, the actor, having in fact attained 18 years of age, exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor and the other person, not the actor's spouse, has not in fact attained 12 years of age. Violation of this paragraph is a Class C crime;~~

C. For the purpose of arousing or gratifying sexual desire, the actor, having in fact attained 18 years of age, intentionally engages in visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person, not the actor's spouse and not having in fact attained 14 years of age, under circumstances in which a reasonable person would expect to be safe from such visual surveillance. Violation of this paragraph is a Class ~~D~~C crime; ~~or~~.

~~D. For the purpose of arousing or gratifying sexual desire, the actor, having in fact attained 18 years of age, intentionally engages in visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person, not the actor's spouse and not having in fact attained 12 years of age, under circumstances in which a reasonable person would expect to be safe from such visual surveillance. Violation of this paragraph is a Class C crime.~~

SUMMARY

Current law prohibits visual sexual aggression against a child, which is either a Class C crime if the child has not attained 12 years of age or a Class D crime if the child has not attained 14 years of age.

This bill amends that law to provide that visual sexual aggression against a child who has not attained 14 years of age is a Class C crime and retains as an element of the crime the motivation of the actor

committing the crime for the purpose of causing affront or alarm when the actor exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor.