

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 Amend the Laws Governing Indecent Conduct To Include Distribution of Photographic Images

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

Sec. 1. 17-A MRSA §854, sub-§1, ¶C-1 is enacted to read:

C-1. The actor exposes the actor's genitals with the intent to create images that the actor transmits to another person by mechanical or electronic means under circumstances that in fact are likely to cause affront or alarm. Violation of this paragraph is a Class E crime;

Sec. 2. 17-A MRSA §854, sub-§1, ¶D, as amended by PL 2007, c. 476, §32, is further amended to read:

D. The actor violates paragraph B and the actor has 2 or more prior convictions for any combination of the following: violating this section or section 256 or for engaging in substantially similar conduct to that of the Maine offenses listed in this paragraph in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class D crime; or

Sec. 3. 17-A MRSA §854, sub-§1, ¶E, as amended by PL 2007, c. 476, §33, is further amended to read:

E. The actor violates paragraph C and the actor has 2 or more prior convictions for any combination of the following: violating this section or section 256 or for engaging in substantially similar conduct to that of the Maine offenses listed in this paragraph in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class D crime; or

Sec. 4. 17-A MRSA §854, sub-§1, ¶F is enacted to read:

F. The actor violates paragraph C-1 and the actor has 2 or more prior convictions for any combination of the following: violating this section or section 256 or for engaging in substantially similar conduct to that of the Maine offenses listed in this paragraph in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class D crime.

SUMMARY

This bill provides that a person is guilty of the Class E crime of indecent conduct if the actor exposes the actor's genitals with the intent to create images that the actor transmits to another person by mechanical or electronic means under circumstances that in fact are likely to cause affront or alarm. It also provides that a subsequent violation by a person who has 2 or more prior convictions for indecent conduct or visual sexual aggression against a child is a Class D crime.