



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

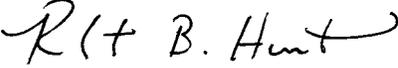
No. 1261

H.P. 809

House of Representatives, March 21, 2023

**An Act to Establish Mandatory Minimum Sentences for Gross
Sexual Assaults and Sex Trafficking of Children**

Reference to the Committee on Judiciary suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative ADAMS of Lebanon.
Cosponsored by Representative GREENWOOD of Wales, Senator BRAKEY of
Androscoggin, Senator HARRINGTON of York and
Representatives: BAGSHAW of Windham, FREDERICKS of Sanford, JAVNER of Chester,
LAVIGNE of Berwick, LEMELIN of Chelsea, PAUL of Winterport, POMERLEAU of
Standish.

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

2 **Sec. 1. 17-A MRSA §253-A, sub-§2**, as enacted by PL 2019, c. 113, Pt. B, §14, is
3 amended to read:

4 **2. ~~Any term of years~~ Gross sexual assault against individual not yet 12 years of**
5 **age; mandatory sentence alternative.** If the State pleads and proves that a crime under
6 section 253 was committed against an individual who had not yet attained 12 years of age,
7 the court, notwithstanding any provision of law to the contrary, shall impose a definite term
8 of imprisonment ~~for any term~~ of not less than 25 years, none of which may be suspended.
9 In determining the basic term of imprisonment as the first step in the sentencing process
10 specified in section 1602, subsection 1, paragraph A, the court shall select a definite term
11 of ~~at least 20~~ not less than 25 years, none of which may be suspended. The court shall also
12 impose as part of the sentence a period of supervised release to immediately follow that
13 definite term of imprisonment as mandated by section 1881, subsection 1.

14 **Sec. 2. 17-A MRSA §253-A, sub-§2-A** is enacted to read:

15 **2-A. Gross sexual assault against individual not yet 12 years of age; repeat**
16 **offenders; mandatory sentence alternative.** If the State pleads and proves that a crime
17 under section 253 was committed against an individual who had not yet attained 12 years
18 of age and that the defendant had previously been convicted and sentenced for committing
19 gross sexual assault, formerly denominated as gross sexual misconduct, or rape against an
20 individual who had not yet attained 12 years of age or that the defendant had previously
21 been convicted and sentenced for engaging in substantially similar conduct in another
22 jurisdiction against an individual who had not yet attained 12 years of age, the court,
23 notwithstanding any provision of law to the contrary, shall impose a term of imprisonment
24 for life.

25 **Sec. 3. 17-A MRSA §1604, sub-§2, ¶B**, as enacted by PL 2019, c. 113, Pt. A, §2,
26 is amended to read:

27 B. If the State pleads and proves that the defendant is a repeat sexual assault offender,
28 the court may set a definite term of imprisonment under section 253-A, subsection 1
29 for any term of years; ~~and~~

30 **Sec. 4. 17-A MRSA §1604, sub-§2, ¶C**, as enacted by PL 2019, c. 113, Pt. A, §2,
31 is amended to read:

32 C. In the case of the Class A crime of gross sexual assault against an individual who
33 had not yet attained 12 years of age, the court shall set a definite term of imprisonment
34 under section 253-A, subsection 2 ~~for any term~~ of not less than 25 years, none of which
35 may be suspended; and

36 **Sec. 5. 17-A MRSA §1604, sub-§2, ¶D** is enacted to read:

37 D. In the case of the Class A crime of aggravated sex trafficking where the State pleads
38 and proves that the defendant knowingly promoted prostitution of a person who had
39 not yet attained 12 years of age, the court shall set a definite term of imprisonment of
40 not less than 25 years, none of which may be suspended.

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SUMMARY

This bill provides that if the State pleads and proves that a gross sexual assault was committed against an individual who had not yet attained 12 years of age, the court is required to impose a definite term of imprisonment of not less than 25 years, none of which may be suspended. It also provides that, in the case of a gross sexual assault committed against an individual who had not yet attained 12 years of age when the defendant had previously been convicted and sentenced for committing gross sexual assault, formerly denominated as gross sexual misconduct, or rape against an individual who had not yet attained 12 years of age or that the defendant had previously been convicted and sentenced for engaging in substantially similar conduct in another jurisdiction against an individual who had not yet attained 12 years of age, the court is required to instead impose a term of imprisonment for life. It also provides that, in the case of aggravated sex trafficking where the State pleads and proves that the defendant knowingly promoted prostitution of a person who had not yet attained 12 years of age, the court shall set a definite term of imprisonment of not less than 25 years, none of which may be suspended.