



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1140

H.P. 829

House of Representatives, March 7, 2019

An Act To Improve the Investigation and Prosecution of Sexual Assault Cases

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MADIGAN of Waterville.
Cosponsored by Senator HERBIG of Waldo and
Representatives: AUSTIN of Skowhegan, CUDDY of Winterport, FAY of Raymond,
SYLVESTER of Portland, TALBOT ROSS of Portland, TEPLER of Topsham, Senator:
SANBORN, H. of Cumberland.

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

2 **Sec. 1. 25 MRSA c. 411** is enacted to read:

3 **CHAPTER 411**
4 **SUBMISSION OF SEXUAL ASSAULT CASES FOR REVIEW FOR**
5 **PROSECUTION**

6 **§3851. Submission of sexual assault cases for review for prosecution**

7 A law enforcement agency in possession of a complaint for an alleged sexual assault
8 under Title 17-A, chapter 11 shall within 60 days of receiving the complaint inform the
9 appropriate prosecutor of any evidence and submit the complaint for review and a
10 decision by the prosecutor regarding further investigation and commencement of
11 prosecution. Failure of a law enforcement agency to inform the appropriate prosecutor of
12 any evidence and submit a complaint to the appropriate prosecutor within 60 days as
13 required by this section does not affect the validity of a later submission and prosecution.

14 **SUMMARY**

15 This bill requires a law enforcement agency, within 60 days of receiving a complaint
16 for an alleged sexual assault, to inform the appropriate prosecutor of any evidence and
17 submit the complaint to the appropriate prosecutor for review and a decision by the
18 prosecutor regarding further investigation and commencement of prosecution. Failure of
19 a law enforcement agency to do so does not affect the validity of a later submission and
20 prosecution.