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Legislative Document

No. 1486

H.P. 1100

House of Representatives, April 14, 2021

An Act To Improve Investigations of Child Sexual Abuse

Received by the Clerk of the House on April 12, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative McDONALD of Stonington.

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

2 **Sec. 1. 17-A MRSA §18** is enacted to read:

3 **§18. Crimes involving minors**

4 A person who poses as a minor is deemed a minor for the purposes of a crime under
5 chapter 11, 12 or 35 that has as an element or aggravating factor that the victim or person
6 other than the actor is a minor.

7 **Sec. 2. 17-A MRSA §855, sub-§1, ¶A**, as enacted by PL 2005, c. 444, §1, is
8 amended to read:

9 A. The person, in return for another's prostitution, gives or agrees to give a pecuniary
10 benefit either to the person whose prostitution is sought or to a 3rd person and the
11 person whose prostitution is sought has not in fact attained 18 years of age or the person
12 knows or believes that the person whose prostitution is sought is under 18 years of age.
13 Violation of this paragraph is a Class D C crime; or

14 **Sec. 3. 17-A MRSA §855, sub-§1, ¶B**, as enacted by PL 2005, c. 444, §1, is
15 repealed.

16 **Sec. 4. 17-A MRSA §1802, sub-§1, ¶B**, as enacted by PL 2019, c. 113, Pt. A, §2,
17 is amended by amending subparagraph (7) to read:

18 (7) A Class D or Class E crime under section 556, section 853; or section 854,
19 excluding subsection 1, paragraph A, subparagraph (1); ~~or section 855;~~

20 **Sec. 5. 34-A MRSA §11273, sub-§15, ¶C**, as enacted by PL 2011, c. 663, §3, is
21 amended to read:

22 C. Title 17-A, section 855, subsection 1, paragraph B A; and

23 **SUMMARY**

24 This bill amends the Maine Criminal Code by providing that a person who poses as a
25 minor is deemed a minor for the purposes of a sex crime that has as an element or
26 aggravating factor of the crime that the victim or person other than the actor is a minor.
27 This bill also adds as conduct punishable under the crime of patronizing prostitution of a
28 minor that the person committing the crime believes that the person whose prostitution is
29 sought is a minor, and the bill makes the new crime a Class C crime and changes the
30 existing crime of patronizing prostitution of a person who has not in fact attained 18 years
31 of age from a Class D crime to a Class C crime.