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Legislative Document

No. 1877

H.P. 1248

House of Representatives, May 5, 2025

An Act to Increase Penalties for Human Trafficking Offenses

Received by the Clerk of the House on May 1, 2025. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PAUL of Winterport.
Cosponsored by Senator CYRWAY of Kennebec and
Representatives: BISHOP of Bucksport, COLLINS of Sidney, QUINT of Hodgdon, SMITH of
Palermo, WHITE of Ellsworth, Senators: HAGGAN of Penobscot, HARRINGTON of York.

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

2 **Sec. 1. 5 MRSA §3360-I, first ¶**, as amended by PL 2023, c. 316, §1 and c. 412,
3 Pt. GG, §1, is further amended to read:

4 As part of the sentence or fine imposed, the court shall impose an assessment of \$70
5 on any person convicted of murder, a Class A crime, a Class B crime or a Class C crime
6 and \$40 on any person convicted of a Class D crime or a Class E crime, except that the
7 court shall impose an assessment of ~~\$2,000~~ \$6,000 on any person convicted of aggravated
8 sex trafficking as described in Title 17-A, section 852, an assessment of ~~\$1,000~~ \$3,000 on
9 any person convicted of sex trafficking as described in Title 17-A, section 853, an
10 assessment of \$1,000 on any person for the first conviction and \$2,000 for each subsequent
11 conviction of engaging a person for prostitution as described in Title 17-A, section 853-B
12 and an assessment of \$1,000 on any person for the first conviction and \$2,000 for each
13 subsequent conviction of commercial sexual exploitation of a minor or commercial sexual
14 exploitation of a person with a mental disability as described in Title 17-A, section 855.
15 Notwithstanding any other provision of law to the contrary, the court may not waive the
16 imposition of the assessment required by this section. For purposes of collection and
17 collection procedures, this assessment is considered part of the fine. At the time of
18 commitment, the court shall inform the Department of Corrections or the county sheriff of
19 any unpaid balances on assessments owed by the offender to the Victims' Compensation
20 Fund. All funds collected as a result of these assessments accrue to the Victims'
21 Compensation Fund.

22 **Sec. 2. 17-A MRSA §852, sub-§1**, as amended by PL 2021, c. 469, §1, is further
23 amended by amending the first blocked paragraph to read:

24 Violation of this subsection is a Class B crime for which, notwithstanding section 1604, a
25 period of imprisonment of not less than 10 years and not more than 20 years and for which,
26 notwithstanding sections 1704 and 1705, a fine of \$25,000 for an individual and \$50,000
27 for an organization must be adjudged.

28 **Sec. 3. 17-A MRSA §852, sub-§1-A**, as enacted by PL 2021, c. 469, §2, is
29 amended to read:

30 **1-A.** A person is guilty of aggravated sex trafficking if the person knowingly promotes
31 prostitution of a person 14 years of age or younger. Violation of this subsection is a Class
32 A crime for which a period of imprisonment of not less than 20 years and not more than 30
33 years and for which a fine of \$50,000 for an individual and \$100,000 for an organization
34 must be adjudged.

35 **Sec. 4. 17-A MRSA §852, sub-§4** is enacted to read:

36 **4.** A person who violates subsection 1 or 1-A and the violation occurs on the premises
37 of or within 1,000 feet of the premises of one of the following places is subject to a
38 minimum period of imprisonment of 13 years for a violation of subsection 1 and 23 years
39 for a violation of subsection 1-A:

40 A. A school;

41 B. An institution of higher education;

42 C. A juvenile detention facility;

1 D. A correctional facility;

2 E. A shelter or facility operating as a residential treatment center that serves runaway
3 youth, foster children, persons who are homeless or persons subjected to human
4 trafficking, domestic violence or sexual assault;

5 F. A community center offering youth services and programs; or

6 G. A child care facility.

7 **Sec. 5. 17-A MRSA §853, sub-§1**, as amended by PL 2023, c. 316, §6, is further
8 amended to read:

9 **1.** A person is guilty of sex trafficking if:

10 A. The person knowingly promotes prostitution. Violation of this paragraph is a Class
11 D C crime for which, notwithstanding section 1604, a period of imprisonment of not
12 less than 4 years and not more than 8 years and for which, notwithstanding section
13 1704, a fine of \$10,000 for an individual and \$20,000 for an organization must be
14 adjudged; or

15 B. The person violates paragraph A and has 2 or more prior convictions in this State
16 for any combination of the Maine offenses listed in this paragraph or for engaging in
17 substantially similar conduct to that of the Maine offenses listed in this paragraph in
18 another jurisdiction. The Maine offenses are any violation of this section or section
19 852, 853-B or 855 or attempts to commit any of these crimes. Section 9-A governs the
20 use of prior convictions when determining a sentence. Violation of this paragraph is a
21 Class C B crime for which, notwithstanding section 1604, a period of imprisonment of
22 not less than 10 years and not more than 20 years and for which, notwithstanding
23 sections 1704 and 1705, a fine of \$25,000 for an individual and \$50,000 for an
24 organization must be adjudged.

25 **Sec. 6. 17-A MRSA §853, sub-§5** is enacted to read:

26 **5.** A person who violates subsection 1, paragraph A or B and the violation occurs on
27 the premises of or within 1,000 feet of the premises of one of the following places is subject
28 to a minimum period of imprisonment of 7 years for a violation of subsection 1, paragraph
29 A and 13 years for a violation of subsection 1, paragraph B:

30 A. A school;

31 B. An institution of higher education;

32 C. A juvenile detention facility;

33 D. A correctional facility;

34 E. A shelter or facility operating as a residential treatment center that serves runaway
35 youth, foster children, persons who are homeless or persons subjected to human
36 trafficking, domestic violence or sexual assault;

37 F. A community center offering youth services and programs; or

38 G. A child care facility.

39 **Sec. 7. 17-A MRSA §1807, sub-§2, ¶M**, as enacted by PL 2019, c. 113, Pt. A, §2,
40 is amended to read:

1 M. Participate in an electronic monitoring program, if available, except that the court
2 shall require the person to participate in an electronic monitoring program, if available,
3 in a case of aggravated sex trafficking under section 852 or sex trafficking under
4 section 853; or

5 **Sec. 8. 17-A MRSA §2003, sub-§1**, as enacted by PL 2019, c. 113, Pt. A, §2, is
6 amended to read:

7 **1. Inquiry as to victim's financial loss.** The court shall, whenever practicable,
8 inquire of a prosecutor, law enforcement officer or victim with respect to the extent of the
9 victim's financial loss and shall order restitution when appropriate. The court shall order
10 restitution in a case of aggravated sex trafficking under section 852 or sex trafficking under
11 section 853. The order for restitution must designate the amount of restitution to be paid
12 and the person or persons to whom the restitution must be paid.

13 **Sec. 9. 25 MRSA c. 262** is enacted to read:

14 **CHAPTER 262**

15 **HUMAN TRAFFICKING**

16 **§2231. Human trafficking awareness program**

17 A doctor, nurse, teacher, school board member, principal, educational technician,
18 superintendent or person who works in the hospitality industry as a front desk worker, a
19 member of housekeeping staff or in food service shall complete a human trafficking
20 awareness program of at least 2 hours once every 2 years. The program must be presented
21 by a nonprofit organization specializing in human trafficking investigations and victim
22 assistance.

23 **SUMMARY**

24 This bill increases the penalties for sex trafficking and aggravated sex trafficking and
25 provides mandatory minimum jail sentences and mandatory fines for these offenses. It
26 provides additional jail time for these offenses when committed on the premises or within
27 1,000 feet of certain places, including schools, child care facilities, community centers for
28 youth, correctional facilities, shelters and residential treatment centers. It increases the
29 amount a person convicted of sex trafficking or aggravated sex trafficking must pay to the
30 Victims' Compensation Fund. It provides that, in a case of sex trafficking or aggravated sex
31 trafficking, the court must require the person sentenced to participate in an electronic
32 monitoring program, if available. It requires the court to order restitution in a case of sex
33 trafficking or aggravated sex trafficking. It provides that a doctor, nurse, teacher, school
34 board member, principal, educational technician, superintendent or person who works in
35 the hospitality industry as a front desk worker, a member of housekeeping staff or in food
36 service must complete a human trafficking awareness program of at least 2 hours once
37 every 2 years. The program must be presented by a nonprofit organization specializing in
38 human trafficking investigations and victim assistance.