



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 67

S.P. 20

In Senate, January 15, 2019

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### An Act To Ensure Access to Justice for Victims of Sexual Assault

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator HERBIG of Waldo.  
Cosponsored by Representative MOONEN of Portland and  
Senators: CARPENTER of Aroostook, DESCHAMBAULT of York, ROSEN of Hancock,  
Representatives: CARNEY of Cape Elizabeth, GRAMLICH of Old Orchard Beach, RECKITT  
of South Portland, TIPPING of Orono, WARREN of Hallowell.

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

2 **Sec. 1. 17-A MRSA §8, sub-§1**, as amended by PL 1999, c. 438, §1, is repealed  
3 and the following enacted in its place:

4 1. It is a defense that prosecution was commenced after the expiration of the  
5 applicable period of limitations provided in this section, except that the following  
6 prosecutions may be commenced at any time:

7 A. A prosecution for murder or criminal homicide in the first or 2nd degree; or

8 B. If the victim had not attained the age of 16 years at the time of the crime, a  
9 prosecution for incest; unlawful sexual contact; sexual abuse of a minor; or rape or  
10 gross sexual assault, formerly denominated as gross sexual misconduct.

11 **Sec. 2. 17-A MRSA §8, sub-§2**, as amended by PL 2013, c. 392, §1, is repealed  
12 and the following enacted in its place:

13 2. Except as provided in subsection 1 or 2-A, a prosecution for a Class A, Class B or  
14 Class C crime must be commenced within 6 years after it is committed and a prosecution  
15 for a Class D or Class E crime must be commenced within 3 years after it is committed.

16 **Sec. 3. 17-A MRSA §8, sub-§2-A**, as enacted by PL 2013, c. 392, §2, is  
17 amended to read:

18 **2-A.** A prosecution for a Class A, Class B or Class C crime involving unlawful  
19 sexual contact or gross sexual assault must be commenced within & 20 years after it is  
20 committed.

21 This subsection does not apply to a Class D crime enhanced to a Class C crime pursuant  
22 to section 1252, subsection 4-A.

23 **Sec. 4. Application.** This Act applies to the following Class A, Class B or Class C  
24 crimes committed on or after the effective date of this Act or for which the prosecution  
25 has not yet been barred by the statute of limitations in force immediately prior to the  
26 effective date of this Act: gross sexual assault under the Maine Revised Statutes, Title  
27 17-A, section 253; and unlawful sexual contact under Title 17-A, section 255-A.

28 **SUMMARY**

29 This bill amends the Maine Criminal Code to extend from 8 years to 20 years the  
30 statute of limitations applicable to prosecutions for a Class A, Class B or Class C crime  
31 involving unlawful sexual contact or gross sexual assault. These changes apply only to  
32 those Class A, Class B and Class C crimes of unlawful sexual contact or gross sexual  
33 assault committed on or after the effective date of this legislation or for which the  
34 prosecution has not yet been barred by the statute of limitations in force immediately  
35 prior to the effective date of this legislation.

1           The bill also makes a number of technical corrections to the provisions of the Maine  
2 Criminal Code governing statutes of limitations to provide additional clarity within those  
3 provisions.