1	L.D. 173		
2	Date: (Filing No. H-)		
3	JUDICIARY		
4	Reproduced and distributed under the direction of the Clerk of the House.		
5	STATE OF MAINE		
6	HOUSE OF REPRESENTATIVES		
7	126TH LEGISLATURE		
8	SECOND REGULAR SESSION		
9 10	COMMITTEE AMENDMENT " " to H.P. 1238, L.D. 1730, Bill, "An Act To Assist Victims of Human Trafficking"		
11 12	Amend the bill by striking out everything after the title and before the summary and inserting the following:		
13 14	'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and		
15	Whereas, human trafficking is occurring in Maine; and		
16	Whereas, victims of human trafficking need assistance as soon as possible; and		
17 18 19 20	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,		
21	Be it enacted by the People of the State of Maine as follows:		
22 23	Sec. 1. 5 MRSA §3360, sub-§3, ¶G, as amended by PL 2009, c. 336, §1, is further amended to read:		
24 25	G. Leaving the scene of a motor vehicle accident involving personal injury or death, in violation of Title 29-A, section 2252; or		
26 27	Sec. 2. 5 MRSA §3360, sub-§3, ¶ H, as amended by PL 2009, c. 336, §2, is further amended to read:		
28	H. Sexual exploitation of a minor as described in Title 17-A, chapter 12-; or		
29	Sec. 3. 5 MRSA §3360, sub-§3, ¶J is enacted to read:		
30 31	J. Aggravated sex trafficking or sex trafficking as described in Title 17-A, sections 852 and 853, respectively.		

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1 Sec. 4. 5 MRSA §3360-I, first ¶, as amended by PL 2013, c. 368, Pt. EE, §1 and 2 affected by §2 and c. 424, Pt. H, §§1 and 2, is further amended to read:

3 As part of the sentence or fine imposed, the court shall impose an assessment of \$35 on any person convicted of murder, a Class A crime, a Class B crime or a Class C crime 4 and \$20 on any person convicted of a Class D crime or a Class E crime, except that the 5 court shall impose an assessment of \$1,000 on any person convicted of aggravated sex 6 trafficking as described in Title 17-A, section 852, an assessment of \$500 on any person 7 convicted of sex trafficking as described in Title 17-A, section 853, an assessment of 8 9 \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of engaging in prostitution as described in Title 17-A, section 853-A and an assessment of 10 \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of 11 12 patronizing prostitution of a minor or patronizing prostitution of a mentally disabled person as described in Title 17-A, section 855. Notwithstanding any other law, the court 13 14 may not waive the imposition of the assessment required by this section. For purposes of collection and collection procedures, this assessment is considered part of the fine. At the 15 time of commitment, the court shall inform the Department of Corrections or the county 16 17 sheriff of any unpaid balances on assessments owed by the offender to the Victims' Compensation Fund. All funds collected as a result of these assessments accrue to the 18 19 Victims' Compensation Fund.

- 20 Sec. 5. 17-A MRSA §853-A, sub-§4 is enacted to read:
- 4. It is an affirmative defense to prosecution under this section that the person engaged in prostitution because the person was compelled to do so as described in section 852, subsection 2.

24 Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

- 26 ATTORNEY GENERAL, DEPARTMENT OF THE
- 27 Victims' Compensation Board 0711
- Initiative: Allocates funds generated by placing an assessment on individuals convicted of
 certain sex trafficking and prostitution crimes as part of the sentence imposed by the
 court.

31	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
32	All Other	\$0	\$8,500
33			
34	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$8,500

- 35 **Emergency clause.** In view of the emergency cited in the preamble, this 36 legislation takes effect when approved.'
- 37 SUMMARY
- 38 This amendment replaces the bill. The amendment amends the victims' 39 compensation laws to include 2 additional crimes for which a victim may seek

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1 compensation, as well as providing additional funding sources. It allows a victim of aggravated sex trafficking or sex trafficking to seek compensation from the Victims' 2 Compensation Fund for medical and other costs. It also assesses \$1,000 on any person 3 convicted of aggravated sex trafficking, \$500 on any person convicted of sex trafficking, 4 \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of 5 6 engaging in prostitution and \$500 on a person for the first conviction and \$1,000 for each subsequent conviction of patronizing prostitution of a minor or patronizing prostitution of 7 8 a mentally disabled person.

9 This amendment establishes an affirmative defense to the crime of engaging in 10 prostitution. The person charged with engaging in prostitution may raise the affirmative defense that the person engaged in prostitution because the person was compelled to do 11 so as described in the provisions regarding the crime of aggravated sex trafficking. 12

- 13 It also adds an emergency preamble and emergency clause to the bill.
- 14 FISCAL NOTE REQUIRED (See attached)

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