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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 267, L.D. 913, Bill, “An Act To Protect the Public from Clergy Sexual Abuse”

Amend the bill by striking out the title and substituting the following:

'An Act To Amend the Laws on Gross Sexual Assault, Unlawful Sexual Contact and Unlawful Sexual Touching To Include Counseling Professionals'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 17-A MRSA §253, sub-§2, ¶I, as repealed and replaced by PL 2011, c. 691, Pt. A, §13, is amended to read:

I. The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other person, not the actor's spouse, is a current patient or client of the actor. Violation of this paragraph is a Class C crime;

Sec. 2. 17-A MRSA §255-A, sub-§1, ¶U, as repealed and replaced by PL 2011, c. 691, Pt. A, §14, is amended to read:

U. The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other person, not the actor's spouse, is a current patient or client of the actor. Violation of this paragraph is a Class D crime;

Sec. 3. 17-A MRSA §255-A, sub-§1, ¶V, as repealed and replaced by PL 2011, c. 691, Pt. A, §15, is amended to read:

V. The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other person,

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1 not the actor's spouse, is a current patient or client of the actor and the sexual contact
2 includes penetration. Violation of this paragraph is a Class C crime;

3 **Sec. 4. 17-A MRSA §260, sub-§1, ¶K**, as repealed and replaced by PL 2011, c.
4 691, Pt. A, §16, is amended to read:

5 K. The actor is a psychiatrist, a psychologist or licensed as a social worker or
6 counseling professional or purports to be a psychiatrist, a psychologist or licensed as
7 a social worker or counseling professional to the other person and the other person,
8 not the actor's spouse, is a current patient or client of the actor. Violation of this
9 paragraph is a Class D crime;'

10 **SUMMARY**

11 This amendment replaces the bill and provides a new title. The amendment amends
12 the law on gross sexual assault, unlawful sexual contact and unlawful sexual touching to
13 include all licensed counseling professionals as the actors in the gross sexual assault,
14 unlawful sexual contact and unlawful sexual touching.

15 **FISCAL NOTE REQUIRED**

16 **(See attached)**