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JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1248, L.D. 1877, “An Act to Increase Penalties for Human Trafficking Offenses”

Amend the bill by striking out all of section 2.

Amend the bill in section 3 in subsection 1-A in the 3rd and 4th lines (page 1, lines 32 and 33 in L.D.) by striking out the following: "a period of imprisonment of not less than 20 years and not more than 30 years and for which a" and inserting the following: ', in addition to any other authorized penalties, a'

Amend the bill by striking out all of sections 4 to 9 and inserting the following:

'Sec. 4. 17-A MRSA §853, sub-§1, as amended by PL 2023, c. 316, §6, is further amended to read:

1. A person is guilty of sex trafficking if:

A. The person knowingly promotes prostitution. Violation of this paragraph is a Class ~~D~~ C crime for which, in addition to any other authorized penalties, a fine of \$10,000 for an individual and \$20,000 for an organization must be adjudged; or

B. The person violates paragraph A and has 2 or more prior convictions in this State for any combination of the Maine offenses listed in this paragraph or for engaging in substantially similar conduct to that of the Maine offenses listed in this paragraph in another jurisdiction. The Maine offenses are any violation of this section or section 852, 853-B or 855 or attempts to commit any of these crimes. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class ~~E~~ B crime for which, in addition to any other authorized penalties, a fine of \$25,000 for an individual and \$50,000 for an organization must be adjudged.

Sec. 5. Mandated reporter curriculum review and update. The Department of Health and Human Services shall convene a working group to review the department-approved training that mandated reporters must complete at least once every 4 years pursuant to the Maine Revised Statutes, Title 22, section 4011-A, subsection 9 and shall invite representatives of child advocacy centers, community-based agencies with expertise

1 working with sexually exploited children and a statewide coalition of sexual assault centers
2 to participate in the working group. The department shall report the working group's
3 findings and recommendations to the joint standing committee of the Legislature having
4 jurisdiction over health and human services matters by February 15, 2027. The joint
5 standing committee may report out legislation related to the subject matter of the report to
6 the 133rd Legislature in 2027.'

7 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
8 number to read consecutively.

9 SUMMARY

10 This amendment, which is the minority report of the committee, removes the provisions
11 of the bill that establish mandatory minimum jail sentences and mandatory restitution for
12 persons convicted of sex trafficking or aggravated sex trafficking. The amendment retains
13 the provisions of the bill that increase from a Class D crime to a Class C crime a first
14 offense of sex trafficking and increase from a Class C crime to a Class B crime a 3rd or
15 subsequent sex trafficking offense. The amendment also retains the provisions of the bill
16 that impose mandatory fines for sex trafficking and aggravated sex trafficking offenses and
17 that increase the amount a person convicted of sex trafficking or aggravated sex trafficking
18 must pay to the Victims' Compensation Fund.

19 The amendment further replaces the provision of the bill requiring certain professionals
20 to receive human trafficking awareness training every 2 years and instead directs the
21 Department of Health and Human Services to convene a working group to review the
22 department-approved training that mandated reporters must complete at least once every 4
23 years pursuant to the Maine Revised Statutes, Title 22, section 4011-A, subsection 9. The
24 department must report the working group's findings and recommendations to the joint
25 standing committee of the Legislature having jurisdiction over health and human services
26 matters by February 15, 2027. The joint standing committee may report out legislation
27 related to the subject matter of the report to the 133rd Legislature in 2027.

28 FISCAL NOTE REQUIRED

29 (See attached)