

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND SIXTEEN

S.P. 386 - L.D. 1114

An Act Regarding Sexual Exploitation of Children

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

Sec. 1. 17-A MRSA §282, sub-§1, as amended by PL 2007, c. 476, §§4 and 5, is further amended to read:

1. A person is guilty of sexual exploitation of a minor if:

A. Knowing or intending that the conduct will be photographed, the person intentionally or knowingly employs, solicits, entices, persuades, or uses ~~or compels~~ another person, not that person's spouse, who ~~is in fact a minor~~ has not in fact attained 16 years of age, to engage in sexually explicit conduct, except that it is not a violation of this paragraph if the other person is 14 or 15 years of age and the person is less than 5 years older than the other person. Violation of this paragraph is a Class B crime;

A-1. Knowing or intending that the conduct will be photographed, the person intentionally or knowingly compels or induces by any threat another person, not that person's spouse, who is in fact a minor, to engage in sexually explicit conduct. Violation of this paragraph is a Class B crime;

B. The person violates paragraph A or A-1 and, at the time of the offense, the person has one or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Violation of this paragraph is a Class A crime;

C. The person violates paragraph A or A-1 and the minor has not in fact attained 12 years of age. Violation of this paragraph is a Class A crime;

D. Being a parent, legal guardian or other person having care or custody of another person who ~~is in fact a minor~~ has not in fact attained 16 years of age, that person knowingly or intentionally permits that ~~minor~~ person who has not in fact attained 16 years of age to engage in sexually explicit conduct, knowing or intending that the conduct will be photographed. Violation of this paragraph is a Class B crime;

E. The person violates paragraph D and, at the time of the offense, the person has one or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Violation of this paragraph is a Class A crime; or

F. The person violates paragraph D and the minor has not in fact attained 12 years of age. Violation of this paragraph is a Class A crime.

Sec. 2. 17-A MRSA §282, sub-§2, ¶A, as enacted by PL 2003, c. 711, Pt. B, §12, is amended to read:

A. A court shall impose upon a person convicted under subsection 1, paragraph A, ~~A-1~~ or D a sentencing alternative involving a term of imprisonment of at least 5 years.

Sec. 3. 17-A MRSA §283, sub-§1, ¶A, as enacted by PL 2003, c. 711, Pt. B, §12, is amended to read:

A. The person intentionally or knowingly disseminates or possesses with intent to disseminate any book, magazine, newspaper, print, negative, slide, motion picture, videotape, computer data file or other mechanically, electronically or chemically reproduced visual image or material that depicts any ~~minor~~ person who has not in fact attained 16 years of age who the person knows or has reason to know is a ~~minor~~ person under 16 years of age engaging in sexually explicit conduct, except that it is not a violation of this paragraph if the person depicted is 14 or 15 years of age and the person is less than 5 years older than the person depicted. Violation of this paragraph is a Class C crime;

Sec. 4. 17-A MRSA §284, sub-§1, ¶A, as amended by PL 2011, c. 50, §1, is further amended to read:

A. Intentionally or knowingly transports, exhibits, purchases, possesses or accesses with intent to view any book, magazine, newspaper, print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material that the person knows or should know depicts another person engaging in sexually explicit conduct, and:

- (1) The other person has not in fact attained 16 years of age; or
- (2) The person knows or has reason to know that the other person has not attained 16 years of age.

It is not a violation of this paragraph if the person depicted is 14 or 15 years of age and the person is less than 5 years older than the person depicted.

Violation of this paragraph is a Class D crime;

Sec. 5. 17-A MRSA §511-A, sub-§1, ¶A, as enacted by PL 2015, c. 339, §1, is repealed.