

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

—
H.P. 1238 - L.D. 1730

An Act To Assist Victims of Human Trafficking

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, human trafficking is occurring in Maine; and

Whereas, victims of human trafficking need assistance as soon as possible; and

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,

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

Sec. 1. 5 MRSA §3360, sub-§3, ¶G, as amended by PL 2009, c. 336, §1, is further amended to read:

G. Leaving the scene of a motor vehicle accident involving personal injury or death, in violation of Title 29-A, section 2252; ~~or~~

Sec. 2. 5 MRSA §3360, sub-§3, ¶H, as amended by PL 2009, c. 336, §2, is further amended to read:

H. Sexual exploitation of a minor as described in Title 17-A, chapter 12; ~~or~~

Sec. 3. 5 MRSA §3360, sub-§3, ¶J is enacted to read:

J. Aggravated sex trafficking or sex trafficking as described in Title 17-A, sections 852 and 853, respectively.

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

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 and \$20 on any person convicted of a Class D crime or a Class E crime, except that the court shall impose an assessment of \$1,000 on any person convicted of aggravated sex trafficking as described in Title 17-A, section 852, an assessment of \$500 on any person convicted of sex trafficking as described in Title 17-A, section 853, an assessment of \$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 \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of 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 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 time of commitment, the court shall inform the Department of Corrections or the county 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 Victims' Compensation Fund.

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.

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

**ATTORNEY GENERAL, DEPARTMENT OF THE
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.

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

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.