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Legislative Document

No. 1351

S.P. 436

In Senate, April 7, 2021

**An Act To Amend Certain Provisions of the Maine Criminal Code
and the Maine Bail Code**

Received by the Secretary of the Senate on April 5, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LAWRENCE of York.

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

2 **PART A**

3 **Sec. A-1. 17-A MRSA §255-A, sub-§1, ¶S**, as amended by PL 2005, c. 450, §1,
4 is further amended to read:

5 S. The other person, not the actor's spouse, is in fact less than 18 years of age and is a
6 student enrolled in a private or public elementary, secondary or special education
7 school, facility or institution and the actor, who is at least 21 years of age, is a teacher,
8 employee or other official in the school district, school union, educational unit, school,
9 facility or institution in which the student is enrolled. Violation of this paragraph is a
10 Class ~~E~~ D crime;

11 **Sec. A-2. 17-A MRSA §255-A, sub-§1, ¶T**, as amended by PL 2005, c. 450, §1,
12 is repealed.

13 **Sec. A-3. 17-A MRSA §260, sub-§1, ¶J**, as amended by PL 2011, c. 423, §7, is
14 further amended to read:

15 J. The other person, not the actor's spouse, is in fact less than 18 years of age and is a
16 student enrolled in a private or public elementary, secondary or special education
17 school, facility or institution and the actor, who is at least 21 years of age, is a teacher,
18 employee or other official in the school district, school union, educational unit, school,
19 facility or institution in which the student is enrolled. Violation of this paragraph is a
20 Class ~~E~~ D crime;

21 **Sec. A-4. 17-A MRSA §261, sub-§1**, as amended by PL 2009, c. 365, Pt. A, §1,
22 is further amended by amending the first blocked paragraph to read:

23 Violation of this subsection is a Class ~~E~~ D crime.

24 **Sec. A-5. 17-A MRSA §353, sub-§1, ¶B**, as amended by PL 2007, c. 476, §10, is
25 further amended by amending subparagraph (5) to read:

26 (5) The value of the property is more than \$500 but not more than \$1,000.
27 Violation of this subparagraph is a Class D crime; ~~or~~

28 **Sec. A-6. 17-A MRSA §353, sub-§1, ¶B**, as amended by PL 2007, c. 476, §10, is
29 further amended by enacting a new subparagraph (7) to read:

30 (7) The person has 2 or more prior convictions for any combination of conduct
31 prohibited by paragraph A or Maine offenses listed in this subparagraph or for
32 engaging in substantially similar conduct to conduct prohibited by paragraph A or
33 Maine offenses listed in this subparagraph in another jurisdiction. The Maine
34 offenses are: theft; any violation of section 401 in which the crime intended to be
35 committed inside the structure is theft; any violation of section 405 in which the
36 crime intended to be committed inside the motor vehicle is theft; any violation of
37 section 651; any violation of section 702, 703 or 708; or attempts to commit any
38 of these crimes. Section 9-A governs the use of prior convictions when
39 determining a sentence. Violation of this subparagraph is a Class D crime; or

40 **Sec. A-7. 17-A MRSA §354, sub-§1, ¶B**, as amended by PL 2007, c. 476, §11, is
41 further amended by amending subparagraph (5) to read:

1 (5) The value of the property is more than \$500 but not more than \$1,000.
2 Violation of this subparagraph is a Class D crime; ø

3 **Sec. A-8. 17-A MRSA §354, sub-§1, ¶B**, as amended by PL 2007, c. 476, §11, is
4 further amended by amending subparagraph (6) to read:

5 (6) The person has 2 or more prior convictions for any combination of the Maine
6 offenses listed in this subparagraph or for engaging in substantially similar conduct
7 to that of the Maine offenses listed in this subparagraph in another jurisdiction.
8 The Maine offenses are: theft; any violation of section 401 in which the crime
9 intended to be committed inside the structure is theft; any violation of section 405
10 in which the crime intended to be committed inside the motor vehicle is theft; any
11 violation of section 651; any violation of section 702, 703 or 708; or attempts to
12 commit any of these crimes. Section 9-A governs the use of prior convictions when
13 determining a sentence. Violation of this subparagraph is a Class C crime; or

14 **Sec. A-9. 17-A MRSA §354, sub-§1, ¶B**, as amended by PL 2007, c. 476, §11, is
15 further amended by enacting a new subparagraph (7) to read:

16 (7) The person has 2 or more prior convictions for any combination of conduct
17 prohibited by paragraph A or Maine offenses listed in this subparagraph or for
18 engaging in substantially similar conduct to the conduct prohibited by paragraph
19 A of Maine offenses listed in this subparagraph in another jurisdiction. The Maine
20 offenses are: theft; any violation of section 401 in which the crime intended to be
21 committed inside the structure is theft; any violation of section 405 in which the
22 crime intended to be committed inside the motor vehicle is theft; any violation of
23 section 651; any violation of section 702, 703 or 708; or attempts to commit any
24 of these crimes. Section 9-A governs the use of prior convictions when
25 determining a sentence. Violation of this subparagraph is a Class D crime.

26 **Sec. A-10. 17-A MRSA §354-A, sub-§1, ¶B**, as amended by PL 2007, c. 476,
27 §12, is further amended by amending subparagraph (5) to read:

28 (5) The value of the property is more than \$500 but not more than \$1,000.
29 Violation of this subparagraph is a Class D crime; ø

30 **Sec. A-11. 17-A MRSA §354-A, sub-§1, ¶B**, as amended by PL 2007, c. 476,
31 §12, is further amended by amending subparagraph (6) to read:

32 (6) The person has 2 or more prior convictions for any combination of the Maine
33 offenses listed in this subparagraph or for engaging in substantially similar conduct
34 to that of the Maine offenses listed in this subparagraph in another jurisdiction.
35 The Maine offenses are: theft; any violation of section 401 in which the crime
36 intended to be committed inside the structure is theft; any violation of section 405
37 in which the crime intended to be committed inside the motor vehicle is theft; any
38 violation of section 651; any violation of section 702, 703 or 708; or attempts to
39 commit any of these crimes. Section 9-A governs the use of prior convictions when
40 determining a sentence. Violation of this subparagraph is a Class C crime; or

41 **Sec. A-12. 17-A MRSA §354-A, sub-§1, ¶B**, as amended by PL 2007, c. 476,
42 §12, is further amended by enacting a new subparagraph (7) to read:

1 (7) The person has 2 or more prior convictions for any combination of conduct
2 prohibited by paragraph A or Maine offenses listed in this subparagraph or for
3 engaging in substantially similar conduct to the conduct prohibited by paragraph
4 A or Maine offenses listed in this subparagraph in another jurisdiction. The Maine
5 offenses are: theft; any violation of section 401 in which the crime intended to be
6 committed inside the structure is theft; any violation of section 405 in which the
7 crime intended to be committed inside the motor vehicle is theft; any violation of
8 section 651; any violation of section 702, 703 or 708; or attempts to commit any
9 of these crimes. Section 9-A governs the use of prior convictions when
10 determining a sentence. Violation of this subparagraph is a Class D crime.

11 **Sec. A-13. 17-A MRSA §356-A, sub-§1, ¶B**, as amended by PL 2007, c. 476,
12 §13, is further amended by amending subparagraph (5) to read:

13 (5) The value of the property is more than \$500 but not more than \$1,000.
14 Violation of this subparagraph is a Class D crime; or

15 **Sec. A-14. 17-A MRSA §356-A, sub-§1, ¶B**, as amended by PL 2007, c. 476,
16 §13, is further amended by amending subparagraph (6) to read:

17 (6) The person has 2 or more prior convictions for any combination of the Maine
18 offenses listed in this subparagraph or for engaging in substantially similar conduct
19 to that of the Maine offenses listed in this subparagraph in another jurisdiction.
20 The Maine offenses are: theft; any violation of section 401 in which the crime
21 intended to be committed inside the structure is theft; any violation of section 405
22 in which the crime intended to be committed inside the motor vehicle is theft; any
23 violation of section 651; any violation of section 702, 703 or 708; or attempts to
24 commit any of these crimes. Section 9-A governs the use of prior convictions when
25 determining a sentence. Violation of this subparagraph is a Class C crime; or

26 **Sec. A-15. 17-A MRSA §356-A, sub-§1, ¶B**, as amended by PL 2007, c. 476,
27 §13, is further amended by enacting a new subparagraph (7) to read:

28 (7) The person has 2 or more prior convictions for any combination of conduct
29 prohibited by paragraph A or Maine offenses listed in this subparagraph or for
30 engaging in substantially similar conduct to the conduct prohibited by paragraph
31 A or Maine offenses listed in this subparagraph in another jurisdiction. The Maine
32 offenses are: theft; any violation of section 401 in which the crime intended to be
33 committed inside the structure is theft; any violation of section 405 in which the
34 crime intended to be committed inside the motor vehicle is theft; any violation of
35 section 651; any violation of section 702, 703 or 708; or attempts to commit any
36 of these crimes. Section 9-A governs the use of prior convictions when
37 determining a sentence. Violation of this subparagraph is a Class D crime.

38 **Sec. A-16. 17-A MRSA §357, sub-§1, ¶B**, as amended by PL 2007, c. 476, §14,
39 is further amended by amending subparagraph (4) to read:

40 (4) The value of the services is more than \$500 but not more than \$1,000.
41 Violation of this subparagraph is a Class D crime; or

42 **Sec. A-17. 17-A MRSA §357, sub-§1, ¶B**, as amended by PL 2007, c. 476, §14,
43 is further amended by amending subparagraph (5) to read:

1 (5) The person has 2 or more prior convictions for any combination of the Maine
2 offenses listed in this subparagraph or for engaging in substantially similar conduct
3 to that of the Maine offenses listed in this subparagraph in another jurisdiction.
4 The Maine offenses are: theft; any violation of section 401 in which the crime
5 intended to be committed inside the structure is theft; any violation of section 405
6 in which the crime intended to be committed inside the motor vehicle is theft; any
7 violation of section 651; any violation of section 702, 703 or 708; or attempts to
8 commit any of these crimes. Section 9-A governs the use of prior convictions when
9 determining a sentence. Violation of this subparagraph is a Class C crime; or

10 **Sec. A-18. 17-A MRSA §357, sub-§1, ¶B**, as amended by PL 2007, c. 476, §14,
11 is further amended by enacting a new subparagraph (6) to read:

12 (6) The person has 2 or more prior convictions for any combination of conduct
13 prohibited by paragraph A or Maine offenses listed in this subparagraph or for
14 engaging in substantially similar conduct to the conduct prohibited by paragraph
15 A or Maine offenses listed in this subparagraph in another jurisdiction. The Maine
16 offenses are: theft; any violation of section 401 in which the crime intended to be
17 committed inside the structure is theft; any violation of section 405 in which the
18 crime intended to be committed inside the motor vehicle is theft; any violation of
19 section 651; any violation of section 702, 703 or 708; or attempts to commit any
20 of these crimes. Section 9-A governs the use of prior convictions when
21 determining a sentence. Violation of this subparagraph is a Class D crime.

22 **Sec. A-19. 17-A MRSA §358, sub-§1, ¶B**, as amended by PL 2007, c. 476, §16,
23 is further amended by amending subparagraph (8) to read:

24 (8) The person is a payroll processor and has 2 or more prior convictions for any
25 combination of the Maine offenses listed in this subparagraph or for engaging in
26 substantially similar conduct to that of the Maine offenses listed in this
27 subparagraph in another jurisdiction. The Maine offenses are: theft; any violation
28 of section 401 in which the crime intended to be committed inside the structure is
29 theft; any violation of section 405 in which the crime intended to be committed
30 inside the motor vehicle is theft; any violation of section 651; any violation of
31 section 702, 703 or 708; or attempts to commit any of these crimes. Section 9-A
32 governs the use of prior convictions when determining a sentence. Violation of
33 this subparagraph is a Class B crime; or

34 **Sec. A-20. 17-A MRSA §358, sub-§1, ¶B**, as amended by PL 2007, c. 476, §16,
35 is further amended by amending subparagraph (9) to read:

36 (9) The person has 2 or more prior convictions for any combination of the Maine
37 offenses listed in this subparagraph or for engaging in substantially similar conduct
38 to that of the Maine offenses listed in this subparagraph in another jurisdiction.
39 The Maine offenses are: theft; any violation of section 401 in which the crime
40 intended to be committed inside the structure is theft; any violation of section 405
41 in which the crime intended to be committed inside the motor vehicle is theft; any
42 violation of section 651; any violation of section 702, 703 or 708; or attempts to
43 commit any of these crimes. Section 9-A governs the use of prior convictions when
44 determining a sentence. Violation of this subparagraph is a Class C crime; or

1 **Sec. A-21. 17-A MRSA §358, sub-§1, ¶B**, as amended by PL 2007, c. 476, §16,
2 is further amended by enacting a new subparagraph (10) to read:

3 (10) The person has 2 or more prior convictions for any combination of conduct
4 prohibited by paragraph A or Maine offenses listed in this subparagraph or for
5 engaging in substantially similar conduct to the conduct prohibited by paragraph
6 A or Maine offenses listed in this subparagraph in another jurisdiction. The Maine
7 offenses are: theft; any violation of section 401 in which the crime intended to be
8 committed inside the structure is theft; any violation of section 405 in which the
9 crime intended to be committed inside the motor vehicle is theft; any violation of
10 section 651; any violation of section 702, 703 or 708; or attempts to commit any
11 of these crimes. Section 9-A governs the use of prior convictions when
12 determining a sentence. Violation of this subparagraph is a Class D crime.

13 **Sec. A-22. 17-A MRSA §359, sub-§1, ¶B**, as amended by PL 2007, c. 476, §17,
14 is further amended by amending subparagraph (5) to read:

15 (5) The value of the property is more than \$500 but not more than \$1,000.
16 Violation of this subparagraph is a Class D crime; or

17 **Sec. A-23. 17-A MRSA §359, sub-§1, ¶B**, as amended by PL 2007, c. 476, §17,
18 is further amended by amending subparagraph (6) to read:

19 (6) The person has 2 or more prior convictions for any combination of the Maine
20 offenses listed in this subparagraph or for engaging in substantially similar conduct
21 to that of the Maine offenses listed in this subparagraph in another jurisdiction.
22 The Maine offenses are: theft; any violation of section 401 in which the crime
23 intended to be committed inside the structure is theft; any violation of section 405
24 in which the crime intended to be committed inside the motor vehicle is theft; any
25 violation of section 651; any violation of section 702, 703 or 708; or attempts to
26 commit any of these crimes. Section 9-A governs the use of prior convictions when
27 determining a sentence. Violation of this subparagraph is a Class C crime; or

28 **Sec. A-24. 17-A MRSA §359, sub-§1, ¶B**, as amended by PL 2007, c. 476, §17,
29 is further amended by enacting a new subparagraph (7) to read:

30 (7) The person has 2 or more prior convictions for any combination of conduct
31 prohibited by paragraph A or Maine offenses listed in this subparagraph or for
32 engaging in substantially similar conduct to the conduct prohibited by paragraph
33 A or Maine offenses listed in this subparagraph in another jurisdiction. The Maine
34 offenses are: theft; any violation of section 401 in which the crime intended to be
35 committed inside the structure is theft; any violation of section 405 in which the
36 crime intended to be committed inside the motor vehicle is theft; any violation of
37 section 651; any violation of section 702, 703 or 708; or attempts to commit any
38 of these crimes. Section 9-A governs the use of prior convictions when
39 determining a sentence. Violation of this subparagraph is a Class D crime.

40 **Sec. A-25. 17-A MRSA §552, sub-§3**, as enacted by PL 1975, c. 499, §1, is
41 amended to read:

42 3. Nonsupport of dependents is a Class ~~E~~ D crime.

1 **Sec. A-26. 17-A MRSA §853-A, sub-§1**, as amended by PL 2019, c. 113, Pt. C,
2 §64, c. 131, §1 and c. 316, §1, is further amended to read:

3 **1.** A person who has in fact attained 18 years of age is guilty of engaging in prostitution
4 if:

5 A. The person engages in prostitution as defined in section 851. Violation of this
6 paragraph is a Class E crime, ~~except that the sentencing alternative may include only~~
7 ~~the penalties provided in section 1704, subsection 5 and section 1705, subsection 5;~~ or

8 B. The person violates paragraph A and, at the time of the offense, the person has one
9 or more prior convictions under this section or for engaging in substantially similar
10 conduct to that contained in this section in another jurisdiction. Section 9-A governs
11 the use of prior convictions when determining a sentence, except that, for the purposes
12 of this paragraph, the date of the prior conviction may not precede the commission of
13 the offense by more than 2 years. Violation of this paragraph is a Class ~~E~~ D crime.

14 **Sec. A-27. 17-A MRSA §1604, sub-§1**, as enacted by PL 2019, c. 113, Pt. A, §2,
15 is amended to read:

16 **1. Maximum terms of imprisonment dependent on crime class.** Unless a different
17 maximum term of imprisonment is specified by statute, the maximum term of
18 imprisonment is as follows:

19 A. In the case of a Class A crime, 30 years;

20 B. In the case of a Class B crime, 10 years;

21 C. In the case of a Class C crime, 5 years; or

22 D. In the case of a Class D crime, less than one year; ~~or,~~

23 ~~E. In the case of a Class E crime, 6 months.~~

24 Unless a specific term of imprisonment is required by statute to be imposed, no term of
25 imprisonment may be imposed for a Class E crime.

26 **Sec. A-28. 17-A MRSA §1604, sub-§5, ¶D** is enacted to read:

27 D. If the State pleads and proves that, at the time that any Class E crime was
28 committed, the defendant had 2 or more prior convictions in this State for the same
29 Class E crime or for an attempt to commit that Class E crime or for a crime involving
30 substantially similar conduct or for an attempt to commit that crime in another
31 jurisdiction, the sentencing class for the crime is one class higher than it would
32 otherwise be.

33 **Sec. A-29. 17-A MRSA §1610, sub-§1**, as enacted by PL 2019, c. 113, Pt. A, §2,
34 is amended to read:

35 **1. Class D ~~or~~ Class E crimes.** The court shall specify a county jail as the place of
36 imprisonment for an individual convicted of a Class D ~~or~~ Class E crime, except that, if a
37 sentence to a term of imprisonment in a county jail is consecutive to or is to be followed
38 by a sentence to a term of imprisonment in the custody of the Department of Corrections,
39 the court imposing either sentence may order that both be served in the custody of the
40 Department of Corrections. If a court imposes consecutive terms of imprisonment for Class

1 D ~~or Class E~~ crimes and the aggregate length of the terms imposed is one year or more, the
2 court may order that they be served in the custody of the Department of Corrections.

3 **Sec. A-30. 17-A MRSA §1802, sub-§1, ¶B**, as enacted by PL 2019, c. 113, Pt. A,
4 §2, is amended to read:

5 B. The conviction is for a Class D ~~or Class E~~ crime other than:

6 (1) A Class D ~~or Class E~~ crime relative to which, based upon both the written
7 agreement of the parties and a court finding, the facts and circumstances of the
8 underlying criminal episode giving rise to the conviction generated probable cause
9 to believe the person had committed a Class A, Class B or Class C crime in the
10 course of that criminal episode and, as agreed upon in writing by the parties and
11 found by the court, the person does not have a prior conviction for murder or for a
12 Class A, Class B or Class C crime and has not been placed on probation pursuant
13 to this subparagraph on any prior occasion;

14 (2) A Class D crime that the State pleads and proves was committed against a
15 family or household member or a dating partner under chapter 9 or 13 or section
16 554, 555 or 758;

17 (3) A Class D crime under Title 5, section 4659, subsection 1; Title 15, section
18 321, subsection 6; or Title 19-A, section 4011, subsection 1;

19 (4) A Class D ~~or Class E~~ crime in chapter 11 or 12;

20 (5) A Class D crime under section 210-A;

21 (6) A Class ~~E~~ D crime under section 552;

22 (7) A Class D ~~or Class E~~ crime under section 556, section 853, section 854,
23 excluding subsection 1, paragraph A, subparagraph (1), or section 855;

24 (8) A Class D crime in chapter 45 relating to a schedule W drug;

25 (9) A Class D ~~or Class E~~ crime under Title 29-A, section 2411, subsection 1-A,
26 paragraph B;

27 (10) A Class D crime under Title 17, section 1031; or

28 (11) A Class ~~E~~ D crime under Title 15, section 1092, subsection 1, paragraph A,
29 if the condition of release violated is specified in Title 15, section 1026, subsection
30 3, paragraph A, subparagraph (5) or (8) and the underlying crime involved
31 domestic violence;

32 **Sec. A-31. 19-A MRSA §2152, sub-§11**, as amended by PL 2019, c. 113, Pt. C,
33 §65, is further amended to read:

34 **11. Confidentiality of information; unlawful dissemination; penalty.** All
35 information collected in connection with the department's child support enforcement
36 activity and medical support recoupment pursuant to this section is confidential and
37 available only for the use of appropriate departmental personnel and legal counsel for the
38 department in carrying out their functions. A person is guilty of unlawful dissemination if
39 that person knowingly disseminates information in violation of this subsection. Unlawful
40 dissemination is a Class E crime that, notwithstanding Title 17-A, section 1604, subsection

1 1, ~~paragraph E~~, is punishable by a fine of not more than \$500 or by imprisonment for not
2 more than 30 days.

3 **Sec. A-32. 22 MRSA §4008, sub-§4**, as amended by PL 2019, c. 113, Pt. C, §67,
4 is further amended to read:

5 **4. Unlawful dissemination; penalty.** A person is guilty of unlawful dissemination if
6 the person knowingly disseminates records that are determined confidential by this section,
7 in violation of the mandatory or optional disclosure provisions of this section. Unlawful
8 dissemination is a Class E crime that, notwithstanding Title 17-A, section 1604, subsection
9 1, ~~paragraph E~~, is punishable by a fine of not more than \$500 or by imprisonment for not
10 more than 30 days.

11 **Sec. A-33. 34-A MRSA §3035, sub-§4, ¶B**, as amended by PL 2019, c. 113, Pt.
12 C, §89, is further amended to read:

13 B. Interference with a rehabilitative program or furlough is a Class E crime, except
14 that, notwithstanding Title 17-A, section 1604, subsection 1, ~~paragraph E~~, the court
15 may sentence a person to imprisonment for not more than 11 months.

16 **Sec. A-34. 34-A MRSA §11203, sub-§6, ¶B**, as repealed and replaced by PL
17 2013, c. 424, Pt. A, §19, is amended to read:

18 B. A violation under former Title 17, section 2922; former Title 17, section 2923;
19 former Title 17, section 2924; Title 17-A, section 253, subsection 2, paragraph E, F, G,
20 H, I or J; Title 17-A, section 254; former Title 17-A, section 255, subsection 1,
21 paragraph A, E, F, G, I or J; former Title 17-A, section 255, subsection 1, paragraph B
22 or D if the crime was not elevated a class under former Title 17-A, section 255,
23 subsection 3; Title 17-A, section 255-A, subsection 1, paragraph A, B, C, F-2, G, I, J,
24 K, L, M, N, Q, R, or S or T; Title 17-A, section 256; Title 17-A, section 258; former
25 Title 17-A, section 259; Title 17-A, section 282; Title 17-A, section 283; Title 17-A,
26 section 284; Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3),
27 unless the actor is a parent of the victim; Title 17-A, section 511, subsection 1,
28 paragraph D; Title 17-A, section 556; Title 17-A, section 852, subsection 1, paragraph
29 B; or Title 17-A, section 855;

30 PART B

31 **Sec. B-1. 15 MRSA §1026, sub-§2-A**, as enacted by PL 2007, c. 374, §5, is
32 amended to read:

33 **2-A. Release on personal recognizance or unsecured appearance bond.** The
34 judicial officer shall order the pretrial release of the defendant for a Class E offense. For
35 all other criminal offenses, the judicial officer shall order the pretrial release of the
36 defendant on personal recognizance or upon execution of an unsecured appearance bond in
37 an amount specified by the judicial officer, unless, after consideration of the factors listed
38 in subsection 4, the judicial officer determines that:

39 A. The release would not reasonably ensure the appearance of the defendant as
40 required;

41 B. The release would not reasonably ensure that the defendant would refrain from any
42 new criminal conduct;

- 1 C. The release would not reasonably ensure the integrity of the judicial process; or
- 2 D. The release would not reasonably ensure the safety of others in the community.

3 **Sec. B-2. 15 MRSA §1091, sub-§1, ¶A**, as enacted by PL 2003, c. 452, Pt. H, §2
4 and affected by Pt. X, §2, is amended to read:

- 5 A. A Class ~~E~~ D crime if the underlying crime was punishable by a maximum period
6 of imprisonment of less than one year; or

7 **Sec. B-3. 15 MRSA §1091-A, sub-§1, ¶A**, as enacted by PL 1995, c. 456, §1, is
8 amended to read:

- 9 A. A Class ~~E~~ D crime if the underlying crime was punishable by a maximum period
10 of imprisonment of less than one year; or

11 **Sec. B-4. 15 MRSA §1092, sub-§1, ¶A**, as enacted by PL 2003, c. 452, Pt. H, §3
12 and affected by Pt. X, §2, is amended to read:

- 13 A. A Class ~~E~~ D crime; or

14 **Sec. B-5. 15 MRSA §1092, sub-§4, ¶A**, as enacted by PL 2011, c. 341, §3, is
15 amended to read:

- 16 A. The condition of release alleged to be violated relates to new criminal conduct for
17 a crime classified as Class C or above or for a Class D ~~or Class E~~ crime involving
18 domestic violence, sexual assault pursuant to Title 17-A, chapter 11 or sexual
19 exploitation of minors pursuant to Title 17-A, chapter 12;

20 **SUMMARY**

21 This bill amends provisions of the Maine Criminal Code in Part A and provisions of
22 the Maine Bail Code in Part B.

23 In Part A this bill strengthens the laws on unlawful sexual contact with a prohibited
24 person, unlawful sexual touching and prohibited contact with a minor. The bill decreases
25 the class of certain subsequent convictions of theft by unauthorized taking or transfer, theft
26 by deception, insurance deception, theft of lost, mislaid or mistakenly delivered property,
27 theft of services, theft by misapplication of property and receiving stolen property. The
28 bill increases the penalty for nonsupport of dependents and repeat convictions for engaging
29 in prostitution and repeals the provisions of law that limit sentences for engaging in
30 prostitution to fines. With regard to certain crimes of theft, the bill raises the class of a
31 Class E crime when at the time that the crime was committed the defendant has 2 or more
32 prior convictions for that crime or a substantially similar crime or an attempt to commit
33 that crime in Maine or another jurisdiction. With respect to Class E crimes, the bill repeals
34 provisions of law that limit the place of imprisonment to a county jail and allows
35 commitment to the Department of Corrections. Also, with respect to Class E crimes, the
36 bill repeals the maximum term of imprisonment of 6 months, which is currently required
37 to be imposed if the statute does not specify a term, and instead specifies that there may be
38 no term of imprisonment imposed for a Class E crime unless a specific term is required by
39 statute. The bill repeals the provision of law that prohibits sentences of probation for certain
40 Class E crimes.

1 In Part B this bill requires pretrial release for a person charged with a Class E offense.
2 The bill increases from Class E to Class D the penalties for a person who fails to appear
3 while on preconviction or postconviction bail and a juvenile who fails to report after stay
4 of execution. The bill raises the level of crime from Class E to Class D for a defendant on
5 preconviction or postconviction bail who violates a condition of release.