



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1838

S.P. 690

In Senate, February 13, 2018

An Act To Amend the Laws Governing Indecent Conduct To Include Distribution of Photographic Images

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator CARPENTER of Aroostook.
Cosponsored by Representative HERBIG of Belfast and
Senators: BELLOWS of Kennebec, DESCHAMBAULT of York, DIAMOND of Cumberland,
DILL of Penobscot, KEIM of Oxford, MILLETT of Cumberland.

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

2 **Sec. 1. 17-A MRSA §854, sub-§1, ¶C-1** is enacted to read:

3 C-1. The actor exposes the actor's genitals with the intent to create images that the
4 actor transmits to another person by mechanical or electronic means under
5 circumstances that in fact are likely to cause affront or alarm. Violation of this
6 paragraph is a Class E crime;

7 **Sec. 2. 17-A MRSA §854, sub-§1, ¶D,** as amended by PL 2007, c. 476, §32, is
8 further amended to read:

9 D. The actor violates paragraph B and the actor has 2 or more prior convictions for
10 any combination of the following: violating this section or section 256 or for
11 engaging in substantially similar conduct to that of the Maine offenses listed in this
12 paragraph in another jurisdiction. Section 9-A governs the use of prior convictions
13 when determining a sentence. Violation of this paragraph is a Class D crime; ~~or~~

14 **Sec. 3. 17-A MRSA §854, sub-§1, ¶E,** as amended by PL 2007, c. 476, §33, is
15 further amended to read:

16 E. The actor violates paragraph C and the actor has 2 or more prior convictions for
17 any combination of the following: violating this section or section 256 or for
18 engaging in substantially similar conduct to that of the Maine offenses listed in this
19 paragraph in another jurisdiction. Section 9-A governs the use of prior convictions
20 when determining a sentence. Violation of this paragraph is a Class D crime; or

21 **Sec. 4. 17-A MRSA §854, sub-§1, ¶F** is enacted to read:

22 F. The actor violates paragraph C-1 and the actor has 2 or more prior convictions for
23 any combination of the following: violating this section or section 256 or for
24 engaging in substantially similar conduct to that of the Maine offenses listed in this
25 paragraph in another jurisdiction. Section 9-A governs the use of prior convictions
26 when determining a sentence. Violation of this paragraph is a Class D crime.

27 **SUMMARY**

28 This bill provides that a person is guilty of the Class E crime of indecent conduct if
29 the actor exposes the actor's genitals with the intent to create images that the actor
30 transmits to another person by mechanical or electronic means under circumstances that
31 in fact are likely to cause affront or alarm. It also provides that a subsequent violation by
32 a person who has 2 or more prior convictions for indecent conduct or visual sexual
33 aggression against a child is a Class D crime.