



*Senator Donna Bailey*  
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*Testimony of Senator Donna Bailey introducing*  
**LD 115, An Act to Protect Minors from Exploitation by Adults for Violation  
of Privacy**  
*Before the Joint Standing Committee on Criminal Justice and Public Safety*  
**March 6, 2023**

Senator Beebe-Center, Representative Salisbury and Esteemed Members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Donna Bailey, and I proudly represent Senate District 31, which includes Buxton, Old Orchard Beach, and Saco. Today I am pleased to introduce my bill LD 115, “An Act to Protect Minors from Exploitation by Adults for Violation of Privacy.”

With the abundance, ease of use, and storage capacity of small, concealable, high definition video recording devices, the threat against Maine’s children has grown exponentially. Last year, Mr. Shawn Box – who you will also hear from – contacted me for help with Maine’s child safety laws. Mr. Box’s children were victims in a case that shows how Maine children are not fully protected against those who would choose to harm them. In other words, there is a gap in the law that allows individuals to victimize children with minimal consequences.

One such individual, Mr. Jeffrey Zabik, was recently convicted for recording minors in the nude. He used a hidden camera to take hundreds of images and videos of the nude children when the one child was 10 and 11 years old and the other child was 14 and 15 years old. Although this act will harm the children for the remainder of their lives, Mr. Zabik only has a misdemeanor on his criminal record. This is the same penalty as trespassing or public intoxication, despite the serious harm caused to the children. He will spend six months in the county jail. He also could not be put on the Maine Sex Offender Registry.

That’s why we must redefine the criminal act of recording minors in the nude – or other sexualizing actions. LD 115 would raise the violation of privacy to a Class C crime when the victim has not attained 16 years of age, except if the victim is 14 or 15 years of age and the person committing the violation of privacy is less than 5 years older than the victim. This language aligns with the language in the sexual exploitation of a minor statute. It would also make this specific violation of privacy a Tier I offense under the Sex Offender Registration and

Notification Act of 2013. If we close this gap in the law, then we can protect Maine children for generations to come.

Thank you for your time, I would be happy to answer any questions.

A handwritten signature in black ink, appearing to read 'Donna Bailey', with a long horizontal flourish extending to the right.

**Donna Bailey**  
State Senator, Senate District 31  
*Buxton, Old Orchard Beach, and Saco*