



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1182

S.P. 357

In Senate, March 22, 2011

An Act To Protect Young Children from Sex Offenses

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative CEBRA of Naples and
Senators: CRAVEN of Androscoggin, SULLIVAN of York.

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

2 **Sec. 1. 17-A MRSA §255-A, sub-§1, ¶E-1**, as enacted by PL 2003, c. 711, Pt.
3 B, §3, is amended to read:

4 E-1. The other person, not the actor's spouse, is in fact less than 12 years of age and
5 the actor is at least 3 years older. Violation of this paragraph is a Class ~~B~~ A crime;

6 **Sec. 2. 17-A MRSA §255-A, sub-§1, ¶F-1**, as enacted by PL 2003, c. 711, Pt.
7 B, §3, is repealed.

8 **Sec. 3. 17-A MRSA §258, sub-§1-A**, as enacted by PL 2003, c. 711, Pt. B, §6, is
9 amended to read:

10 **1-A.** A person is guilty of sexual misconduct with a child under 12 years of age if
11 that person, having in fact attained 18 years of age, knowingly displays any sexually
12 explicit materials to another person, not the actor's spouse, who has not in fact attained 12
13 years of age, with the intent to encourage the other person to engage in a sexual act or
14 sexual contact. Violation of this subsection is a Class ~~C~~ B crime.

15 **Sec. 4. 34-A MRSA §11203, sub-§7, ¶A**, as amended by PL 2009, c. 365, Pt. B,
16 §13 and affected by §22, is further amended to read:

17 A. A conviction for one of the offenses or for an attempt to commit one of the
18 offenses under former Title 17-A, section 252; under Title 17-A, section 253,
19 subsection 1; Title 17-A, section 253, subsection 2, paragraph A, B, C or D; former
20 Title 17-A, section 255, subsection 1, paragraph C or H; former Title 17-A, section
21 255, subsection 1, paragraph B or D, if the crime was elevated a class under former
22 Title 17-A, section 255, subsection 3; Title 17-A, section 255-A, subsection 1,
23 paragraph D, E, E-1, F, ~~F-1~~, H, O or P;

24 **SUMMARY**

25 Current law provides that most sex crimes against a child under 12 years of age, such
26 as gross sexual assault, unlawful sexual contact and sexual exploitation of a minor, are
27 Class A or Class B crimes. This bill increases the class of crime for sexual misconduct
28 with a child under 12 years of age from a Class C to a Class B crime and for unlawful
29 sexual contact with a child under 12 years of age, when the defendant is at least 3 years
30 older, to a Class A crime to bring those crimes more in line with the classification of
31 other sex crimes against children under 12 years of age.

32 Due to the increase in the classification of unlawful sexual contact to a Class A, the
33 Maine Revised Statutes, Title 17-A, section 255-A, subsection 1, paragraph F-1 was
34 made redundant and so is repealed.