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STATE OF MAINE
SENATE
127TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " " to S.P. 593, L.D. 1531, Bill, "An Act To Protect Victims of Human Trafficking"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 5 MRSA §4651, sub-§2, ¶C, as amended by PL 2001, c. 134, §1, is further amended to read:

C. A single act or course of conduct constituting a violation of section 4681; Title 17, section 2931; or Title 17-A, sections section 201, 202, 203, 204, 207, 208, 209, 210, 210-A, 211, 253, 301, 302, 303, 506-A, 511, 556, 802, 805 or 806, 852 or 853.

Sec. 2. 5 MRSA §4654, sub-§4, ¶F, as amended by PL 1995, c. 650, §6, is further amended to read:

- F. Repeatedly and without reasonable cause:
(1) Following the plaintiff; or
(2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; or

Sec. 3. 5 MRSA §4654, sub-§4, ¶G, as enacted by PL 1995, c. 650, §7, is amended to read:

G. Having any direct or indirect contact with the plaintiff; or

Sec. 4. 5 MRSA §4654, sub-§4, ¶H is enacted to read:

H. Destroying, transferring or tampering with the plaintiff's passport or other immigration document in the defendant's possession.

Sec. 5. 5 MRSA §4655, sub-§1, ¶¶E and F, as amended by PL 1993, c. 475, §2, are further amended to read:

E. Ordering the defendant to pay court costs or reasonable attorney's fees; and

COMMITTEE AMENDMENT

1 F. Entering any other orders determined necessary or appropriate in the discretion of
2 the court; and

3 **Sec. 6. 5 MRSA §4655, sub-§1, ¶G** is enacted to read:

4 G. Prohibiting the defendant from destroying, transferring or tampering with the
5 plaintiff's passport or other immigration document in the defendant's possession.

6 **Sec. 7. 5 MRSA §4659, sub-§1**, as amended by PL 1993, c. 469, §2, is further
7 amended to read:

8 **1. Crime committed.** Violation of a temporary, emergency, interim or final
9 protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot
10 Nation or a court-approved consent agreement, when the defendant has prior actual notice
11 of the order or agreement, is a Class D crime, except when the only provision that is
12 violated concerns relief authorized under section 4655, subsection 1, paragraphs D to F
13 G. Violation of these paragraphs must be treated as contempt and punished in accordance
14 with law.

15 **Sec. 8. 17-A MRSA §1201, sub-§1, ¶A-1**, as amended by PL 2013, c. 194, §11,
16 is further amended to read:

17 A-1. The conviction is for a Class D or Class E crime other than:

18 (1) A Class D or Class E crime relative to which, based upon both the written
19 agreement of the parties and a court finding, the facts and circumstances of the
20 underlying criminal episode giving rise to the conviction generated probable
21 cause to believe the defendant had committed a Class A, Class B or Class C
22 crime in the course of that criminal episode and, as agreed upon in writing by the
23 parties and found by the court, the defendant has no prior conviction for murder
24 or for a Class A, Class B or Class C crime and has not been placed on probation
25 pursuant to this subparagraph on any prior occasion;

26 (2) A Class D crime that the State pleads and proves was committed against a
27 family or household member or a dating partner under chapter 9 or 13 or section
28 554, 555 or 758. As used in this subparagraph, "family or household member"
29 has the same meaning as in Title 19-A, section 4002, subsection 4; "dating
30 partner" has the same meaning as in Title 19-A, section 4002, subsection 3-A;

31 (2-A) A Class D crime under Title 5, section 4659, subsection 1, Title 15,
32 section 321, subsection 6 or Title 19-A, section 4011, subsection 1;

33 (3) A Class D or Class E crime in chapter 11 or 12;

34 (4) A Class D crime under section 210-A;

35 (4-A) A Class E crime under section 552;

36 (5) A Class D or Class E crime under section 556, section 853, section 854,
37 excluding subsection 1, paragraph A, subparagraph (1), or section 855;

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

1 (7) A Class D or Class E crime under Title 29-A, section 2411, subsection 1-A,
2 paragraph B;

3 (8) A Class D crime under Title 17, section 1031; or

4 (10) A Class E crime under Title 15, section 1092, subsection 1, paragraph A, if
5 the condition of release violated is specified in Title 15, section 1026, subsection
6 3, paragraph A, subparagraph (5) or (8) and the underlying crime involved
7 domestic violence.

8 **Sec. 9. 19-A MRSA §4002, sub-§1, ¶¶E and F**, as enacted by PL 1995, c. 694,
9 Pt. B, §2 and affected by Pt. E, §2, are amended to read:

10 E. Communicating to a person a threat to commit, or to cause to be committed, a
11 crime of violence dangerous to human life against the person to whom the
12 communication is made or another, and the natural and probable consequence of the
13 threat, whether or not that consequence in fact occurs, is to place the person to whom
14 the threat is communicated, or the person against whom the threat is made, in
15 reasonable fear that the crime will be committed; ~~or~~

16 F. Repeatedly and without reasonable cause:

17 (1) Following the plaintiff; or

18 (2) Being at or in the vicinity of the plaintiff's home, school, business or place of
19 employment; or

20 **Sec. 10. 19-A MRSA §4002, sub-§1, ¶G** is enacted to read:

21 G. Engaging in aggravated sex trafficking or sex trafficking as described in Title
22 17-A, section 852 or 853, respectively.

23 **Sec. 11. 19-A MRSA §4005, sub-§1**, as amended by PL 2015, c. 339, §2, is
24 further amended to read:

25 **1. Filing.** An adult who has been abused by a family or household member or a
26 dating partner may seek relief by filing a complaint alleging that abuse.

27 When a minor child in the care or custody of a family or household member or a dating
28 partner has been abused by a family or household member or a dating partner, a person
29 responsible for the child, as defined in Title 22, section 4002, subsection 9, or a
30 representative of the department may seek relief by filing a petition alleging that abuse.

31 An adult who has been a victim of conduct defined as stalking in Title 17-A, section
32 210-A or described as sexual assault in Title 17-A, chapter 11 or described as
33 unauthorized dissemination of certain private images in Title 17-A, section 511-A or
34 described as aggravated sex trafficking or sex trafficking in Title 17-A, section 852 or
35 853, respectively, whether or not the conduct was perpetrated by a family or household
36 member or dating partner, may seek relief by filing a complaint alleging that conduct
37 without regard to whether criminal prosecution has occurred. When a minor has been a
38 victim of such conduct, the minor's parent, other person responsible for the child or a
39 representative of the department may seek relief by filing a petition alleging that conduct.

1 When an adult who is 60 years of age or older or a dependent adult, as defined in Title
2 22, section 3472, subsection 6, or an incapacitated adult, as defined in Title 22, section
3 3472, subsection 10, has been the victim of abuse as defined in section 4002, subsection 1
4 or Title 22, section 3472, subsection 1 by an extended family member or an unpaid care
5 provider, the adult victim, the adult victim's legal guardian or a representative of the
6 department may seek relief by filing a complaint alleging the abusive conduct. For the
7 purposes of this subsection, "extended family member" includes, but is not limited to: a
8 person who is related to the victim by blood, marriage or adoption, whether or not the
9 person resides or has ever resided with the victim. "Unpaid care provider" includes, but
10 is not limited to, a caretaker who voluntarily provides full, intermittent or occasional
11 personal care to the adult victim in the victim's home similar to the way a family member
12 would provide personal care.

13 **Sec. 12. 19-A MRSA §4006, sub-§5, ¶¶E and F**, as enacted by PL 1995, c.
14 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

15 E. Taking, converting or damaging property in which the plaintiff may have a legal
16 interest; ~~or~~

17 F. Having any direct or indirect contact with the plaintiff; or

18 **Sec. 13. 19-A MRSA §4006, sub-§5, ¶G** is enacted to read:

19 G. Destroying, transferring or tampering with the plaintiff's passport or other
20 immigration document in the defendant's possession.

21 **Sec. 14. 19-A MRSA §4007, sub-§1, ¶M**, as amended by PL 2005, c. 510, §11,
22 is further amended to read:

23 M. Entering any other orders determined necessary or appropriate in the discretion of
24 the court; ~~or~~

25 **Sec. 15. 19-A MRSA §4007, sub-§1, ¶N**, as enacted by PL 2005, c. 510, §12, is
26 amended to read:

27 N. Directing the care, custody or control of any animal owned, possessed, leased,
28 kept or held by either party or a minor child residing in the household; or

29 **Sec. 16. 19-A MRSA §4007, sub-§1, ¶O** is enacted to read:

30 O. With regard to conduct described as aggravated sex trafficking or sex trafficking
31 as described in Title 17-A, section 852 or 853, respectively, entering any other orders
32 determined necessary or appropriate in the discretion of the court, including, but not
33 limited to, requiring the defendant to pay economic damages related to the return or
34 restoration of the plaintiff's passport or other immigration document and any debts of
35 the plaintiff arising from the trafficking relationship.

36 **Sec. 17. 19-A MRSA §4011, sub-§2**, as amended by PL 2011, c. 178, §1, is
37 further amended to read:

38 **2. Exception.** When the only provision that is violated concerns relief authorized
39 under section 4007, subsection 1, paragraph F or F-1 or section 4007, subsection 1,
40 paragraphs H to ~~¶~~ Q, the violation must be treated as contempt and punished in
41 accordance with law.'

1 **SUMMARY**

2 This amendment replaces the bill but continues to provide that victims of aggravated
3 sex trafficking and sex trafficking are eligible to file for protection from abuse orders and
4 protection from harassment orders. It also provides that individuals convicted of sex
5 trafficking are eligible for probation.

6 This amendment replaces the bill to capture all provisions of the protection from
7 harassment and protection from abuse laws to include protections for victims of both
8 aggravated sex trafficking and sex trafficking.

9 The amendment amends the definition of "harassment" to include a single act or
10 course of conduct that includes a violation of the Maine Revised Statutes, Title 17-A,
11 section 852, aggravated sex trafficking, or section 853, sex trafficking. The definition is
12 important because it determines who can request a protection from harassment order.
13 The bill includes only aggravated sex trafficking in the definition of "harassment."

14 It amends the protection from harassment laws to include as prohibited conduct that
15 an interim protection from harassment order issued ex parte may prohibit a defendant's
16 destroying, transferring or tampering with a plaintiff's passport or other immigration
17 document that is in the defendant's possession.

18 It amends the protection from harassment laws to include as prohibited conduct that,
19 after the opportunity for a hearing, a final protection from harassment order may prohibit
20 a defendant's destroying, transferring or tampering with a plaintiff's passport or other
21 immigration document that is in the defendant's possession.

22 It provides that violation of the final protection order provision prohibiting a
23 defendant's destroying, transferring or tampering with a plaintiff's passport or other
24 immigration document is treated as a violation of a court order, which may be pursued as
25 contempt.

26 It amends the Maine Criminal Code to provide that sex trafficking is a crime for
27 which probation may be included as part of a sentence.

28 It amends the protection from abuse laws to amend the definition of "abuse" to
29 include the actions of engaging in aggravated sex trafficking and sex trafficking.

30 It amends the protection from abuse laws to clarify that a victim of aggravated sex
31 trafficking or sex trafficking may file a complaint seeking a protection from abuse order.
32 The bill includes only aggravated sex trafficking.

33 It amends the protection from abuse laws governing the type of relief that may be
34 included in an interim protection from abuse order to cover a defendant's destroying,
35 transferring or tampering with the plaintiff's passport or other immigration document.

36 It amends the protection from abuse laws to provide that, with regard to conduct
37 described as aggravated sex trafficking or sex trafficking, the court may order the
38 defendant to pay economic damages related to the return or restoration of the plaintiff's
39 passport or other immigration document and any debts of the plaintiff arising from the
40 trafficking relationship. The amendment also provides that a defendant who violates this
41 provision may be punished for contempt.