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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

128TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT “ ” to S.P. 690, L.D. 1838, Bill, “An Act To Amend the Laws Governing Indecent Conduct To Include Distribution of Photographic Images”

Amend the bill by striking out the title and substituting the following:

'An Act To Include in the Crime of Harassment by Telephone or by Electronic Communication Device the Distribution of Certain Photographic Images and Videos'

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

'Sec. 1. 17-A MRSA §506, as amended by PL 2011, c. 464, §14 and affected by §30, is further amended to read:

§506. Harassment by telephone or by electronic communication device

1. A person is guilty of harassment by telephone or by electronic communication device if:

A. By means of telephone or electronic communication device the person makes any comment, request, suggestion or proposal that is, in fact, offensively coarse or obscene, without the consent of the person called or contacted. Violation of this paragraph is a Class E crime;

A-1. By means of telephone or electronic communication device the person, with the intent to cause affront or alarm or for the purpose of arousing or gratifying sexual desire, sends an image or video of a sexual act as defined in section 251, subsection 1, paragraph C or of the actor's or another person's genitals and:

(1) The person called or contacted is in fact under 14 years of age;

(2) The person called or contacted is in fact 14 or 15 years of age and the actor is at least 5 years older than the person called or contacted; or

COMMITTEE AMENDMENT

1 purpose of arousing or gratifying sexual desire, to send an image or video of a sexual act
2 or of the actor's or another person's genitals if the person called or contacted is under 14
3 years of age, is 14 or 15 years of age when the actor is at least 5 years older or suffers
4 from a mental disability that is reasonably apparent or known to the actor. The
5 amendment designates these new variants of harassment by telephone or electronic
6 communication device as Class D crimes. The amendment also prohibits using a
7 telephone or by electronic communication device to send an image or video of a sexual
8 act or the actor's or another person's genitals without the consent of the person called or
9 contacted after the person called or contacted has notified the actor, in writing or
10 otherwise, that the person does not consent to receiving such images or videos. The
11 amendment designates this new variant of harassment by telephone or by electronic
12 communication device as a Class E crime.

13 **FISCAL NOTE REQUIRED**

14 **(See attached)**