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Date: (Filing No. S-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
125TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 591, L.D. 1731, Bill, “An Act To Rescue Children Who Are Being Sexually Abused and To Make Improvements to the Sex Offender Registry and the Investigation of Computer Crimes”

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

'An Act To Fund the Computer Crimes Unit and Combat Human Sex Trafficking'

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

'Sec. 1. 17-A MRSA §852, sub-§2, as enacted by PL 1975, c. 499, §1, is amended to read:

- 2.** As used in this section, "compelling" includes but is not limited to:
 - A. The use of a drug or intoxicating substance to render a person incapable of controlling ~~his~~ that person's conduct or appreciating its nature; ~~and~~
 - B. Withholding or threatening to withhold a narcotic drug or alcoholic liquor from a drug or alcohol-dependent person. A "drug or alcohol-dependent person" is one who is using narcotic drugs or alcoholic liquor and who is in a state of psychic or physical dependence or both, arising from the use of the drug or alcohol on a continuing basis;
 - C. Making material false statements, misstatements or omissions;
 - D. Withholding, destroying or confiscating an actual or purported passport or other immigration document or other actual or purported government identification document with the intent to impair a person's freedom of movement;
 - E. Requiring prostitution to be performed to retire, repay or service an actual or purported debt; and
 - F. Using force or engaging in any scheme, plan or pattern to instill in a person a fear that, if the person does not engage or continue to engage in prostitution, the actor or another person will;

COMMITTEE AMENDMENT

- 1 (1) Cause physical injury or death to a person;
- 2 (2) Cause damage to property, other than property of the actor;
- 3 (3) Engage in other conduct constituting a Class A, B or C crime, kidnapping or
4 criminal restraint;
- 5 (4) Accuse some person of a crime or cause criminal charges or deportation
6 proceedings to be instituted against some person;
- 7 (5) Expose a secret or publicize an asserted fact, regardless of veracity, tending
8 to subject some person, except the actor, to hatred, contempt or ridicule;
- 9 (6) Testify or provide information or withhold testimony or information
10 regarding another person's legal claim or defense;
- 11 (7) Use a position as a public servant to perform some act related to that person's
12 official duties or fail or refuse to perform an official duty in a manner that
13 adversely affects some other person; or
- 14 (8) Perform any other act that would not in itself materially benefit the actor but
15 that is calculated to harm the person being compelled with respect to that person's
16 health, safety or immigration status.

17 **Sec. 2. Allotment; General Fund; State Police appropriations.**
18 Notwithstanding any provision of law to the contrary, the Commissioner of Public Safety
19 shall request adjustments to the allotments of the funds appropriated in this Act by
20 financial order upon approval of the Governor. These allotments are considered
21 adjustments to appropriations in fiscal year 2012-13.

22 **Sec. 3. Report.** The Commissioner of Public Safety shall report to the joint
23 standing committee of the Legislature having jurisdiction over criminal justice and public
24 safety matters on or before January 15, 2013 regarding the expenditure of the allotted
25 amounts provided under this Act. The joint standing committee may report out legislation
26 to the First Regular Session of the 126th Legislature regarding matters contained in the
27 report.

28 **Sec. 4. Appropriations and allocations.** The following appropriations and
29 allocations are made.

30 **PUBLIC SAFETY, DEPARTMENT OF**

31 **State Police 0291**

32 Initiative: Provides funding to identify and investigate child abuse and exploitation,
33 including, but not limited to, the use of computer images of children for sexual
34 exploitation.

35	GENERAL FUND	2011-12	2012-13
36	Unallocated	\$0	\$350,000
37		_____	_____

1 GENERAL FUND TOTAL \$0 \$350,000
2

3 **SUMMARY**

4 This amendment is the minority report. It replaces the bill except that it retains the
5 changes proposed in the bill regarding the crime of aggravated promotion of prostitution.
6 Unlike the majority report, it does not provide a direct appropriation to the computer
7 crimes unit within the Department of Public Safety, Bureau of State Police. Instead, it
8 provides a General Fund appropriation of \$350,000 in fiscal year 2012-13 for the
9 Department of Public Safety, Bureau of State Police to identify and investigate child
10 abuse and exploitation, including, but not limited to, the use of computer images of
11 children for sexual exploitation.

12 It also requires the Commissioner of Public Safety to report to the joint standing
13 committee of the Legislature having jurisdiction over criminal justice and public safety
14 matters by January 15, 2013 regarding the expenditure of funds provided by the
15 legislation. It authorizes that committee to report out legislation to the First Regular
16 Session of the 126th Legislature regarding matters contained in the report.

17 **FISCAL NOTE REQUIRED**

18 **(See attached)**