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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1258, L.D. 1813, Bill, “An Act To Establish as a Class D Crime the Intentional Photographing of a Minor without Consent of the Minor's Parent or Guardian by an Individual Required To Register as a Sex Offender”

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

'An Act To Protect Children under 14 Years of Age from Being Photographed by Certain Persons'

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

'Sec. 1. 17-A MRSA §261, sub-§5 is enacted to read:

5. For purposes of this section, "indirect contact" includes, but is not limited to, a person photographing another person who has not in fact attained 14 years of age after the person's having been notified, in writing or otherwise, by a law enforcement officer, corrections officer or judicial officer not to engage in that conduct. The notification not to engage in that conduct expires one year after the date the notification is given. For purposes of this subsection, "photographing" means making, capturing, generating or saving a print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material.'

SUMMARY

This amendment strikes the bill and changes the title. It adds a definition of "indirect contact" to the Maine Revised Statutes, Title 17-A, section 261 and applies that definition to prohibit a person from photographing another person under 14 years of age if the person has been convicted of a sexual assault against or sexual exploitation of another person under 14 years of age and the person has been notified, in writing or otherwise, not to engage in this conduct by a law enforcement officer, corrections officer or judicial officer. The notification expires after one year. The definition of "photographing" is based on a definition of "photograph" in Title 17-A, section 281, subsection 3.

COMMITTEE AMENDMENT