

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by inserting after section 2 the following:

‘Sec. 3. 17-A MRSA §255-A, sub-§1, ¶J, as enacted by PL 2001, c. 383, §23 and affected by §156, is amended to read:

J. The other person, not the actor's spouse, is ~~in official custody~~under official supervision as a probationer ~~or, a parolee, a sex offender on supervised release, a prisoner on supervised community confinement status or a juvenile on community reintegration status~~ or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;

Sec. 4. 17-A MRSA §260, sub-§1, ¶E, as enacted by PL 2003, c. 138, §5, is amended to read:

E. The other person, not the actor's spouse, is ~~in official custody~~under official supervision as a probationer ~~or, a parolee, a sex offender on supervised release, a prisoner on supervised community confinement status or a juvenile on community reintegration status~~ or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person. Violation of this paragraph is a Class D crime;’

Amend the bill in section 4 in paragraph C-1 in the 2nd line (page 1, line 25 in L.D.) by inserting after the following: "detained" the following: 'or committed'

Amend the bill in section 8 in paragraph E in the last line (page 2, line 35 in L.D.) by striking out the following: "of the facility" and inserting the following: 'of the correctional facility'

Amend the bill in section 9 in paragraph D in the last 2 lines (page 3, lines 1 and 2 in L.D.) by striking out the following: "of the facility" and inserting the following: 'of the correctional facility'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment makes several changes to the bill. It clarifies that the records that the Commissioner of Corrections may access for inspections include records of committed as well as detained persons. It amends 2 provisions that were inadvertently left out of the bill that add to the Maine Criminal Code provisions defining gross sexual assault and unlawful sexual contact to include sexual conduct with a sex offender on supervised release, a prisoner on supervised community confinement or a juvenile on community reintegration status when the actor has supervisory or disciplinary authority over that person. Finally, the amendment clarifies that it is the Commissioner of Corrections who determines whether a person may receive a privilege under the Maine Revised Statutes, Title 34-A, section 3069.

FISCAL NOTE REQUIRED

(See attached)