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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1181, L.D. 1592, “An Act To Decriminalize Engaging in Prostitution, Strengthen the Laws against Commercial Sexual Exploitation and Allow a Person Convicted of Engaging in Prostitution To Petition the Court To Expunge the Record of Conviction”

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

'An Act To Remove Punishments for Sex Selling and Decrease Demand by Increasing Penalties for Sex Buying'

Amend the bill in Part A in section 1 in the first indented paragraph in the 10th line (page 1, line 14 in L.D.) by striking out the following: "patronizing prostitution of a minor or patronizing prostitution of a mentally disabled person" and inserting the following: 'patronizing prostitution of a minor or patronizing prostitution of a mentally disabled person commercial sexual exploitation of a minor or commercial sexual exploitation of a person with a mental disability'

Amend the bill in Part A in section 2 in subsection 10 in the last line (page 1, line 25 in L.D.) by inserting after the following: "contact" the following: 'in return'

Amend the bill in Part A by striking out all of section 8 and inserting the following:

'Sec. A-8. 17-A MRSA §853, sub-§4 is enacted to read:

4. It is a defense to prosecution under this section that the act alleged to constitute sex trafficking consisted of the person publicly soliciting a patron to engage in prostitution only with the person.'

Amend the bill in Part A in section 11 in §855 in the first 2 lines (page 2, lines 23 and 24 in L.D.) by striking out the following: "~~or; patronizing prostitution of~~" and inserting the following: "**or**"

Amend the bill in Part A in section 11 in §855 in subsection 3 in the first line (page 2, line 35 in L.D.) by striking out the following: "patronizing prostitution" and inserting the following: 'patronizing prostitution commercial sexual exploitation'

COMMITTEE AMENDMENT

1 Amend the bill by striking out all of Part B and inserting the following:

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'PART B

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Sec. B-1. 15 MRSA c. 313 is enacted to read:

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CHAPTER 313

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SEALING OF RECORDS

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§2331. Sealing of records of crime of engaging in prostitution

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1. Engaging in crime of prostitution. A person convicted of the crime of engaging in prostitution in the State may petition the court in which the conviction was recorded to seal the record of the conviction. The court shall order all records of the conviction sealed if the convicted person has not been convicted of a violation of Title 17-A, section 262, 852 or 853 or former section 853-A and has no formal charging instrument pending in the State for a violation of Title 17-A, section 262, 852 or 853.

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2. State Bureau of Identification. Following receipt of a court order for sealing under subsection 1, the Department of Public Safety, Bureau of State Police, State Bureau of Identification shall make the necessary arrangements with the identification division of the Federal Bureau of Investigation to have all references to the crime for which the records have been sealed deleted from the Federal Bureau of Investigation's identification record and any state materials returned to the contributing agency.'

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Amend the bill by striking out all of Part C and inserting the following:

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'PART C

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Sec. C-1. Working group to design pilot program. The Department of Corrections shall work with the Maine Coalition to End Domestic Violence in the design of a pilot program to provide comprehensive services to survivors of commercial sexual exploitation and victims of human trafficking through a working group headed by a domestic violence resource center in Androscoggin County that will convene the working group. The working group must include survivors of commercial sexual exploitation, survivors of human trafficking, representatives of public and private agencies that provide support and services to victims of commercial sexual exploitation and survivors of human trafficking in Androscoggin County, prosecutors and members of law enforcement. The working group shall design a pilot program to provide comprehensive services to survivors of commercial sexual exploitation and victims of human trafficking that includes collaboration agreements among participating agencies and organizations, mechanisms for evaluating program success and, to the extent possible, public and private funding sources and funding available under the federal Victims of Trafficking and Violence Protection Act of 2000. The Department of Corrections shall submit a report from the working group, including recommended legislation, by January 1, 2023, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the work of the working group and the design of the pilot program. The joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters may submit legislation based upon the report to the First Regular Session of the 131st Legislature.'

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

3 **SUMMARY**

4 This amendment is the majority report of the committee. The amendment clarifies
5 language on sex trafficking. The amendment changes the crime of patronizing prostitution
6 of a mentally disabled person to commercial sexual exploitation of a person with a mental
7 disability. The amendment changes the expungement of records of a conviction of
8 engaging in prostitution to the sealing of records. The amendment provides for a working
9 group to design a pilot program to provide comprehensive services to survivors of
10 commercial sexual exploitation and victims of human trafficking, requiring a report to the
11 joint standing committee of the Legislature having jurisdiction over criminal justice and
12 public safety matters and authorizing that committee to submit legislation to the First
13 Regular Session of the 131st Legislature.