

126th LEGISLATURE SECOND REGULAR SESSION



2014 SEXUAL ASSAULT LEGISLATION IN REVIEW



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2014 Bills Passed

L.D. 1589: Resolve, To Ensure Notification to the Public of the Location in Maine of Persons Convicted in Foreign Countries of Certain Crimes

Sponsor: Representative Joyce Maker

Enacted Law Summary

Resolve 2013, chapter 97 directs the Commissioner of Public Safety to convene a task force that includes members of the Maine Sheriffs' Association, members of the Maine Chiefs of Police Association, the Attorney General and the commissioner to develop a procedure for notifying affected members of the public of the location in this State of a person who was convicted in a foreign country of a crime that, if committed in this State, would subject a person to inclusion on this State's sex offender registry. It also directs the Commissioner of Public Safety to submit a report of the task force's findings to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by December 3, 2014.

L.D. 1656: An Act to Increase Safety for Victims of Domestic Violence and Victims of Sexual Assault

Sponsor: Senator Emily Cain

Enacted Law Summary

Public Law 2013, chapter 478 creates the new crime of improper contact with a family or household member prior to the setting of preconviction bail, which applies in cases of domestic violence and sexual assault. It provides that prior to criminal liability for the crime, county jail staff must notify a defendant arrested for a domestic violence offense or sexual assault, and prior to the setting of bail, not to make direct or indirect contact with a specifically identified family or household member who is the victim of the offense. Prior to the enactment of Public Law 2013, chapter 475, the law limited the ability of bail commissioners to set preconviction bail in cases involving domestic violence; as a result, the period of time between the arrest and the setting of bail by a judge or justice for alleged perpetrators of domestic violence may be greater than it is with other crimes. This law increases the safety of victims of domestic violence during the period between arrest and the setting of bail.

Current law also requires that law enforcement officers use and be trained in how to administer an evidence-based domestic violence risk assessment. In order to increase the ability of Maine criminal justice agencies to use information gathered in the course of the risk assessment to keep victims and families safe, Public Law 2013, chapter 478 permits those agencies to share confidential criminal history record information with advocates for the purpose of planning for the safety of a victim of domestic violence.

This law expands the definition of "advocate" to include an employee or volunteer of a Maine tribal program and provides that an advocate who receives confidential criminal history record information must use the information solely for the purpose of planning for the safety of a victim of domestic violence and is prohibited from further disseminating the information. It permits a law enforcement agency to share confidential criminal history record information with an advocate. Public Law 2013, chapter 478 also clarifies that once a person is certified as a participant in the Address Confidentiality Program that person's actual residential street, school or work address, or United States Postal Service address may not

be used or disclosed by any state or local agency, or the courts unless such use or disclosure is approved by the Secretary of State under the circumstances set forth in the program.

This law also directs the State Board of Corrections to establish a minimum, uniform policy by June 1, 2014, for notifying defendants detained at a county jail or other correctional facility after being arrested for a domestic violence offense or sexual assault, and prior to the setting of preconviction bail by a justice or judge, that it is a crime to make direct or indirect contact with a victim who is a member of the defendant's family or household.

Public Law 2013, chapter 478 was enacted as an emergency measure effective March 16, 2014.

L.D. 1685: An Act to Ensure that all Maine Children are Protected from Abuse and Neglect

Sponsor: Representative Richard Farnsworth

Enacted Law Summary

Resolve 2013, chapter 99 directs the Department of Health and Human Services to convene a working group to review current laws and the scope of departmental authority with respect to the abuse and neglect of children, to identify gaps in the safety net to protect children from abuse and neglect and to make recommendations to strengthen the protection of children from abuse and neglect. The resolve requires the department to submit a report on behalf of the working group to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by November 5, 2014.

Resolve 2013, chapter 99 was passed as an emergency measure effective April 2, 2014.

L.D. 1730: An Act to Assist Victims of Human Trafficking

Sponsor: Representative Amy Volk

Enacted Law Summary

Public Law 2013, chapter 537 establishes an affirmative defense to the crime of engaging in prostitution. The person charged with engaging in prostitution may raise the affirmative defense that the person engaged in prostitution because the person was compelled to do so as described in the provisions regarding the crime of aggravated sex trafficking.

Public Law 2013, chapter 537 amends the victims' compensation laws to include two additional crimes for which a victim may seek compensation, as well as providing additional funding sources. It allows a victim of aggravated sex trafficking or sex trafficking to seek compensation from the Victims' Compensation Fund for medical and other costs. It assesses \$1,000 on any person convicted of aggravated sex trafficking, \$500 on any person convicted of sex trafficking, \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of engaging in prostitution and \$500 on a person for the first conviction and \$1,000 for each subsequent conviction of patronizing prostitution of a minor or patronizing prostitution of a mentally disabled person.

Public Law 2013, chapter 607 corrects the assessments to provide that the additional assessment is on those convicted of engaging a prostitute, as described in Title 17-A, section 853-B, rather than engaging in prostitution, as described in Title 17-A, section 853-A.

Public Law 2013, chapter 537 was enacted as an emergency measure effective April 10, 2014.

L.D. 1841: An Act to Correct Errors and Inconsistencies in the Laws of Maine *Sponsor: Representative Charles Priest*

Enacted Law Summary

Public Law 2013, chapter 588 corrects errors and inconsistencies in the laws of Maine. It also makes a few substantive corrections as requested by the committees of jurisdiction including:

This law provides that a sexual assault advocate who receives confidential criminal history record information must use the information solely for the purpose of planning for the safety of a victim of sexual violence and is prohibited from further disseminating the information. It permits a law enforcement agency to share confidential criminal history record information with an advocate.

Public Law 2013, chapter 588 was enacted as an emergency measure effective April 30, 2014.

The chapter law summaries included in this report (unless otherwise noted) were obtained through the Maine Legislature's Office of Policy and Legal Analysis. More information can be found at <http://www.maine.gov/legis/opla>.