

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §1202, sub-§1-A, ¶B, as amended by PL 2003, c. 711, Pt. B, §15, is further amended to read:

B. The period of probation for a person sentenced as a repeat sexual assault offender pursuant to section 1252, subsection 4-B is any term of years; ~~and~~

Sec. 2. 17-A MRSA §1202, sub-§1-A, ¶C-1 is enacted to read:

C-1. In the case of a person convicted of the crime of gross sexual assault under section 253, if the State pleads and proves that at the time of the crime the victim had not attained 12 years of age, the period of probation is life following a term of imprisonment under section 1252. In addition to any conditions imposed under section 1204, the court shall attach as a condition of probation that the convicted person participate in counseling or treatment to the satisfaction of the probation officer and that the person be subject to supervision by a probation officer that includes the best available monitoring technology for the duration of the term of probation; and

Sec. 3. 17-A MRSA §1231, sub-§1-A, as enacted by PL 2005, c. 673, §1, is repealed.

Sec. 4. 17-A MRSA §1231, sub-§2, as amended by PL 2005, c. 673, §2, is further amended to read:

2. The authorized period of supervised release is:

A. Any period of years for a person sentenced as a repeat sexual assault offender pursuant to section 1252, subsection 4-B; ~~and~~

B. For a person not sentenced under section 1252, ~~subsections~~ subsection 4-B or 4-E or 4-F, a period not to exceed 10 years for a Class A violation of section 253 and a period not to exceed 6 years for a Class B or Class C violation of section 253; ~~and~~

~~C. Life for a person sentenced under section 1252, subsection 4-E.~~

Sec. 5. 17-A MRSA §1252, sub-§4-E, as amended by PL 2015, c. 358, §7, is repealed and the following enacted in its place:

4-E. In the case of a crime of gross sexual assault under section 253, if the State pleads and proves that at the time of the crime the victim had not attained 12 years of age, the court, notwithstanding any other provision of this Title, shall impose a minimum term of imprisonment of 25 years, none of which may be suspended. When a person sentenced under this subsection is released from incarceration, the Department of Corrections shall supervise that person using the best available monitoring technology pursuant to section 1202, subsection 1-A, paragraph C-1.

Sec. 6. 17-A MRSA §1252, sub-§4-F is enacted to read:

4-F. In the case of a crime of gross sexual assault under section 253, if the State pleads and proves that at the time of the crime the victim had not attained 12 years of age and that the defendant has previously been convicted and sentenced for committing gross sexual assault, rape or gross sexual misconduct against a victim who had not attained 12

years of age, the court, notwithstanding any other provision of this Title, shall impose a term of imprisonment for life, none of which may be suspended.

SUMMARY

This initiated bill creates a 25-year minimum mandatory sentence of imprisonment followed by probation for life for persons convicted of gross sexual assault against victims who have not attained 12 years of age and requires that these persons, when released from prison, be subject to supervision by the Department of Corrections that includes the best available monitoring technology for the duration of the probation. The initiated bill also creates a mandatory life sentence of imprisonment for a person convicted of gross sexual assault against a victim who has not attained 12 years of age if that person has a prior conviction for gross sexual assault, rape or gross sexual misconduct against a victim who had not attained 12 years of age.