

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1847

H.P. 1373

House of Representatives, February 10, 2004

**An Act To Implement the Recommendations of the Commission To
Improve Community Safety and Sex Offender Accountability
Regarding Public Notification by Law Enforcement**

Reported by Representative FAIRCLOTH of Bangor for the Commission to Improve Community Safety and Sex Offender Accountability pursuant to Resolve 2003, chapter 75, section 8 and chapter 101, section 3.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

2
4 **Sec. 1. 25 MRSA §2803-B, sub-§1, ¶H,** as amended by PL 2003, c. 370, §1, is further amended to read:

6 H. Criminal conduct engaged in by law enforcement officers;
8 and

10 **Sec. 2. 25 MRSA §2803-B, sub-§1, ¶I,** as enacted by PL 2003, c. 370, §2, is amended to read:

12 I. Death investigations, including at a minimum the
14 protocol of the Department of the Attorney General regarding
16 such investigations; and

16 **Sec. 3. 25 MRSA §2803-B, sub-§1, ¶J** is enacted to read:

18 J. Public notification regarding persons in the community
20 required to register under Title 34-A, chapter 15.

22 **Sec. 4. 25 MRSA §2803-B, sub-§§2 and 3,** as amended by PL 2003, c. 370, §3, are further amended to read:

24 **2. Minimum policy standards.** The board shall establish
26 minimum standards for each law enforcement policy no later than
28 June 1, 1995, except that policies for expanded requirements for
30 domestic violence under subsection 1, paragraph D, subparagraphs
32 (1) to (3) must be established no later than January 1, 2003 and,
34 policies for death investigations under subsection 1, paragraph I
36 must be established no later than January 1, 2004 and policies
38 for public notification regarding persons in the community
40 required to register under Title 34-A, chapter 15 must be
42 established no later than January 1, 2005.

44 **3. Agency compliance.** The chief administrative officer of
46 each law enforcement agency shall certify to the board no later
48 than January 1, 1996 that the agency has adopted written policies
50 consistent with the minimum standards established by the board
pursuant to subsection 2, except that certification to the board
for expanded policies for domestic violence under subsection 1,
paragraph D, subparagraphs (1) to (3) must be made to the board
no later than June 1, 2003 and, certification to the board for
adoption of a death investigation policy under subsection 1,
paragraph I must be made to the board no later than June 1, 2004
and certification to the board for adoption of a public
notification policy under subsection 1, paragraph J must be made
to the board no later than June 1, 2005. This certification must
be accompanied by copies of the agency policies. The chief
administrative officer of each agency shall certify to the board
no later than June 1, 1996 that the agency has provided

2 orientation and training for its members with respect to the
3 policies, except that certification for orientation and training
4 with respect to expanded policies for domestic violence under
5 subsection 1, paragraph D must be made to the board no later than
6 January 1, 2004 and, certification for orientation and training
7 with respect to policies regarding death investigations must be
8 made to the board no later than January 1, 2005 and certification
9 for orientation and training with respect to policies regarding
10 public notification must be made to the board no later than
11 January 1, 2006.

12 **Sec. 5. Model sex offender public notification policy for law**
13 **enforcement.** The Board of Trustees of the Maine Criminal Justice
14 Academy shall add to the list of mandatory law enforcement
15 policies with respect to which agencies must report their
16 implementation and training, pursuant to the Maine Revised
17 Statutes, Title 25-A, section 2803-B, the model sex offender
18 public notification policy drafted by the Maine Chiefs of Police
19 Association in cooperation with sexual assault response teams and
20 sexual assault crisis centers.

22 **SUMMARY**

24
25 This bill is the recommendation of the Commission to Improve
26 Community Safety and Sex Offender Accountability, established
27 pursuant to Resolve 2003, chapter 75.

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29 This bill requires law enforcement agencies to adopt a
30 written policy regarding public notification of persons in the
31 community required to register under the Sex Offender
32 Registration and Notification Act of 1999. This bill requires
33 the Board of Trustees of the Maine Criminal Justice Academy to
34 use the model policy developed by the Maine Chiefs of Police
35 Association, in cooperation with sexual assault response teams
36 and sexual assault crisis centers.