

MAINE STATE LEGISLATURE

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No. 1433

H.P. 997

House of Representatives, March 22, 2005

**An Act To Amend the Sex Offender Registration and Notification
Act of 1999**

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered
printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BLANCHETTE of Bangor.
Cosponsored by Senator DIAMOND of Cumberland.

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

4 **Sec. 1. 34-A MRSA §11202**, as repealed and replaced by PL
6 2003, c. 711, Pt. C, §5 and affected by Pt. D, §2, is repealed
8 and the following enacted in its place:

10 **§11202. Application**

12 This chapter applies to:

14 1. Ten-year registrant or lifetime registrant. A 10-year
16 registrant or lifetime registrant who has been sentenced in any
18 jurisdiction on or after June 30, 1992; and

20 2. Person required to register. A person sentenced in a
22 jurisdiction other than Maine at any time if that person was
24 required to register as a 10-year registrant or lifetime
26 registrant or would have been required to register as such if the
28 person had remained in that jurisdiction.

30 **Sec. 2. 34-A MRSA § 11203, sub-§4-E** is enacted to read:

32 4-E. Prior conviction. "Prior conviction" means a
34 conviction that occurred at any time. For purposes of
36 registration requirements pursuant to this chapter, multiple
38 convictions that result from or are connected with the same act
40 or that result from offenses committed at the same time are
42 considered one conviction unless the offenses were committed
44 against more than one victim. More than one prior conviction may
46 have occurred on the same day.

48 **Sec. 3. 34-A MRSA §11203, sub-§6, ¶A**, as amended by PL 2003,
50 c. 371, §2, is repealed.

Sec. 4. 34-A MRSA §11203, sub-§6, ¶C, as enacted by PL 1999,
c. 437, §2, is amended to read:

C. A violation of an offense in another jurisdiction,
including, but not limited to, a state, federal, military or
tribal court, that includes the essential elements of an
offense listed in paragraph A or B.

Sec. 5. 34-A MRSA §11204 is enacted to read:

§11204. Rulemaking

The bureau may adopt rules necessary to implement this
chapter. Rules adopted pursuant to this chapter are routine
technical rules as defined by Title 5, chapter 375, subchapter
2-A.

2 **Sec. 6. 34-A MRSA §11221, sub-§6**, as amended by PL 2003, c.
711, Pt. C, §19 and affected by Pt. D, §2, is further amended to
4 read:

6 **6. Distribution of information to department and law**
enforcement agencies. The bureau shall distribute information
8 described in subsection 1 to the department and law enforcement
agencies having jurisdiction over the address and location of the
10 registrant's domicile, residence, place of employment and college
or school being attended.

12 **Sec. 7. 34-A MRSA §11221, sub-§11** is enacted to read:

14 **11. Maintenance by bureau.** Only the bureau may maintain a
sex offender registry on the Internet for purposes of public
16 access as described in subsection 9. Law enforcement agencies
may maintain their own sex offender registries for internal use
18 only by those agencies and may provide a link to the bureau's
20 Internet sex offender registry.

22 **Sec. 8. 34-A MRSA §11222, sub-§4, ¶A**, as amended by PL 2003,
c. 711, Pt. C, §21 and affected by Pt. D, §2, is further amended
24 to read:

26 A. At least 10 days prior to the required verification
date, the bureau shall mail a nonforwardable verification
28 form to the last reported mailing address of the
registrant. The verification form is deemed received 3 days
30 after mailing unless returned by postal authorities.

32 **Sec. 9. 34-A MRSA §11222, sub-§5, last ¶**, as enacted by PL 1999,
c. 437, §2, is repealed.

34 **Sec. 10. 34-A MRSA §11223**, as amended by PL 2003, c. 711, Pt.
36 C, §22 and affected by Pt. D, §2, is further amended to read:

38 **§11223. Duty of person establishing domicile or residence to**
register

40 A person convicted and sentenced for an offense that
42 includes the essential elements of a sex offense or sexually
violent offense in a jurisdiction other than Maine and required
44 under another that jurisdiction to register pursuant to that
jurisdiction's sex offender registration statute or, if not so
46 required, who has been convicted and sentenced for an offense
that includes the essential elements of a sex offense or sexually
48 violent offense shall register as a 10-year registrant or
lifetime registrant, whichever is applicable, within 5 days and
50 shall notify the law enforcement agency having jurisdiction with

2 within 24 hours of establishing domicile or residence in this
3 State. The person shall contact the bureau, which shall provide
4 the person with the registration form and direct the person to
5 take the form and a photograph of the person to the law
6 enforcement agency having jurisdiction. The law enforcement
7 agency shall supervise the completion of the form, take the
8 person's fingerprints and immediately forward the form,
9 photograph and fingerprints to the bureau.

10 **Sec. 11. 34-A MRSA §11224,** as amended by PL 2003, c. 711,
11 Pt. C, §22 and affected by Pt. D, §2, is repealed and the
12 following enacted in its place:

13 **§11224. Duty of person employed or attending college or school**

14 The following provisions govern registration duties for
15 persons employed or attending college or school in this State.

16 **1. Time.** A person convicted and sentenced in another
17 jurisdiction who is required under that jurisdiction to register
18 pursuant to that jurisdiction's sex offender registration statute
19 or, if not so required, who has been convicted and sentenced for
20 an offense that includes the essential elements of a sex offense
21 or sexually violent offense shall register as a 10-year
22 registrant or lifetime registrant, whichever is applicable,
23 within 5 days and shall notify the law enforcement agency having
24 jurisdiction:

25 A. Within 24 hours of beginning full-time or part-time
26 employment, with or without compensation, for more than 14
27 consecutive days or for an aggregate period exceeding 30
28 days in a calendar year in this State; or

29 B. Within 24 hours of beginning college or school on a
30 full-time or part-time basis in this State.

31 **2. Process for notifying bureau.** The person shall contact
32 the bureau, which shall provide the person with a registration
33 form and direct the person to take the form and a photograph of
34 the person to the law enforcement agency having jurisdiction.
35 The law enforcement agency shall supervise the completion of the
36 form, take the person's fingerprints and immediately forward the
37 form, photograph and fingerprints to the bureau.

38 **Sec. 12. 34-A MRSA §11225, sub-§1,** as amended by PL 2003, c.
39 711, Pt. C, §23 and affected by Pt. D, §2, is further amended to
40 read:

41 **1. Ten-year registrant.** A person--coming--within--the
42 definition-of-a 10-year registrant shall register for a period of
43 10 years.

10 years from the initial date of registration pursuant to this chapter, except that a 10-year registrant required to register because that registrant established a domicile in this State subsequent to being required to register pursuant to another jurisdiction's sex offender registration statute, or who would have been required to register in that jurisdiction if the person were domiciled there, for a period of years other than life shall register for a maximum of 10 years from the date when that registrant was first required to register in the other jurisdiction. ~~A person coming within the definition of a 10-year registrant who has been sentenced from June 30, 1992 to September 17, 1999 shall register for a period of 10 years, to be calculated as follows.~~

A. If the 10-year registrant was sentenced to a wholly suspended sentence with probation or to a punishment alternative not involving imprisonment, the 10-year period is treated as having begun at the time the person commenced an actual execution of the wholly suspended sentence or at the time of sentence imposition when no punishment alternative involving imprisonment was imposed, unless the court ordered a stay of execution, in which event the 10-year period is treated as having begun at the termination of the stay.

B. If the 10-year registrant was sentenced to a straight term of imprisonment or to a split sentence, the 10-year period is treated as having begun at the time of discharge or conditional release.

C. If the 10-year registrant was committed under Title 15, section 103, the 10-year period is treated as having begun at the time of discharge or conditional release under Title 15, section 104-A.

D. If the 10-year registrant's duty to register has not yet been triggered, the 10-year period will commence upon registration by the person in compliance with section 11222, subsection 1-A, paragraph A, B or C.

Sec. 13. 34-A MRS §11225, sub-§2, as amended by PL 2003, c. 711, Pt. C, §23, and affected by Pt. D, §2, is repealed and the following enacted in its place:

2. Lifetime registrant. The following provisions govern lifetime registration.

A. A lifetime registrant who has been sentenced on or after June 30, 1992 shall register for the duration of that registrant's life.

2 B. A person sentenced before June 30, 1992 who has
4 established a domicile in this State subsequent to being
6 required to register pursuant to another jurisdiction's sex
8 offender registration statute for a lifetime or who would
 have been required to register in that jurisdiction for a
 lifetime if the person were domiciled there or who is a
 lifetime registrant shall register for the duration of the
 registrant's life.

10

Sec. 14. 34-A MRSA §11225, sub-§5 is enacted to read:

12

5. Credit for time registered in another jurisdiction. A
14 10-year registrant may apply to the bureau for credit for time
16 registered in another jurisdiction. The bureau may grant credit
 upon a registrant's providing documentation in accordance with
 rules adopted by the bureau.

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SUMMARY

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 This bill amends the Sex Offender Registration and
Notification Act of 1999. Specifically, the bill does the
24 following.

26

 1. It clarifies that the Act applies to persons sentenced
at any time in jurisdictions other than Maine if those persons
28 were required to register or would have been required to register
in those other jurisdictions if they had remained there.

30

 2. It clarifies that "prior conviction" means a conviction
32 that occurred at any time. It specifies that convictions that
result from or are connected with the same act or result from
34 offenses committed at the same time are considered one conviction
unless the offenses were committed against more than one victim.
36 More than one prior conviction may have occurred on the same day.

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 3. It repeals language made unnecessary by Public Law 2003,
chapter 711, which redefined "sex offense" and defined the terms
40 "another state" and "jurisdiction."

42

 4. It gives the Department of Public Safety, State Bureau
of Identification authority to adopt routine technical rules
44 necessary to implement registration and notification practices.

46

 5. It adds the duty of a registrant to give notification of
the registrant's residence in Maine.

48

 6. It specifies that only the State Bureau of
50 Identification may maintain a sex offender registry on the

2 Internet for purposes of public access. Law enforcement agencies
3 may maintain their own sex offender registries for internal use
4 only and may provide a link to the bureau's Internet sex offender
5 registry.

6 7. It clarifies the duration of registration for persons
7 who come to Maine and were required to register pursuant to
8 another jurisdiction's sex offender registration statute or who
9 would have been required to register in that other jurisdiction
10 if the person were domiciled there.

11 8. It allows a 10-year registrant to apply to the State
12 Bureau of Identification for credit for time registered in
13 another jurisdiction. The bureau may grant credit upon a
14 registrant's providing documentation in accordance with rules
15 adopted by the bureau.

16 9. It clarifies that a domicile verification form mailed by
17 the State Bureau of Identification to the last known address
18 provided by a registrant during the period that the registrant is
19 required to register is deemed received 3 days after mailing
20 unless returned to the bureau by postal authorities.
21
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