

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1154

6
7 H.P. 808

House of Representatives, March 27, 1985

8 Referred to the Committee on Judiciary. Sent up for concurrence and
9 ordered printed. Ordered sent forthwith.

10 EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Expand the Victim's Rights Laws.
18

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

21 Sec. 1. 17-A MRSA §1257-A is enacted to read:

22 §1257-A. Notification of sentenced person's release

23 A victim of any crime for which the perpetrator
24 is committed to the Department of Corrections may re-
25 ceive notice of that person's release from custody,
26 including furloughs or work-release programs, upon
27 complying with this section, unless the Department of
28 Corrections determines that giving this notice could
29 pose a threat to the safety of the sentenced person.

30 1. Request filed. The victim must file a re-
31 quest for notification of the sentenced person's re-
32 lease with the district attorney's office at any time
33 after the close of judicial proceedings concerning
34 the case. The district attorney shall forward this

1 request form to the correctional facility in which
2 that person is or will be confined.

3 2. Notice sent. The correctional facility in
4 which the sentenced person is confined shall keep the
5 victim's request in the file of the sentenced person
6 and shall notify the victim by mail of any impending
7 release at the earliest opportunity. This notice
8 shall be mailed to the address provided in the
9 victim's request or any subsequent address provided
10 by him.

11 3. Content of notice. The notice shall contain:

12 A. The name of the sentenced person;

13 B. The nature of the program under which the re-
14 lease is authorized; whether it is a parole, fur-
15 lough, work-release or similar program;

16 C. The date and time of his release from con-
17 finement and any date or time at which he must
18 return to confinement; and

19 D. The geographical area to which his release is
20 limited, if any.

21 4. Termination of notice. Notice of the sen-
22 tenced person's release is no longer required when
23 either:

24 A. The sentenced person has served his entire
25 sentence for a crime with regard to which the
26 victim has requested notice; or

27 B. The victim has filed a signed request with
28 the correctional facility asking that no further
29 notice be given.

30 5. Liability. Neither the failure of any state
31 officer or employee to perform the requirements of
32 this section nor compliance with it shall subject the
33 State or the officer or employee to liability in any
34 civil action.

35 Sec. 2. 34-A MRSA §3003, sub-§1, as repealed and
36 replaced by PL 1983, c. 581, §§14 and 59, is amended
37 to read:

1 1. Limited disclosure. All Except as otherwise
2 provided by law, all orders of commitment, medical
3 and administrative records, applications and reports,
4 and facts contained in them, pertaining to any person
5 receiving services from the department, shall be kept
6 confidential and may not be disclosed by any person,
7 except that documents, other than those pertaining to
8 information obtained by the department for the pur-
9 pose of evaluating a committed offender's ability to
10 participate in a community-based program or from
11 informants in a correctional facility for the purpose
12 of determining whether prison rules have been vio-
13 lated or a victim's request for notice of release,
14 may be disclosed:

15 A. To any person, if the person receiving ser-
16 vices, his legal guardian, if any, or, if he is a
17 minor, his parent or legal guardian, gives his
18 informed written consent to the disclosure of the
19 documents referred to in subsection 1 after being
20 given the opportunity to review the documents
21 sought to be disclosed;

22 B. To any state agency if necessary to carry out
23 the statutory functions of that agency; and

24 C. If ordered by a court of record, subject to
25 any limitation in the Maine Rules of Evidence,
26 Rule 503.

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STATEMENT OF FACT

2 This bill is intended to allow a criminal victim
3 to receive notice of the perpetrator's impending re-
4 lease from confinement. When enacted, the Maine Re-
5 vised Statutes, Title 34-A, section 3003,
6 inadvertantly prevented a victim from discovering the
7 release from prison of the person who committed the
8 crime against him. This bill allows the victim of a
9 crime to discover the dates and circumstances of the
10 criminal's release from a state correctional facility
11 so that the victim may take whatever safety precau-
12 tions he believes is necessary. This notice will not
13 be given whenever the Department of Corrections be-
14 lieves that the safety of the sentenced person would
15 be jeopardized if the notice was given. The bill
16 strikes a compromise between the legitimate interest
17 of a criminal victim in knowing of the criminal's re-
18 lease and society's interest in the safety of all its
19 citizens, including the criminal.

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