

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 396

H.P. 276

House of Representatives, February 6, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

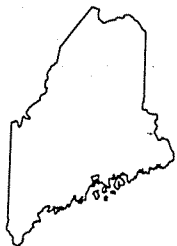
Presented by Representative BOUTILIER of Lewiston.

Cosponsored by Senator BERUBE of Androscoggin, Representative PARADIS of Augusta and Representative RICHARDS of Hampden.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Establish a Victims' Bill of Rights.



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

2 Sec. 1. 17-A MRSA §1257-A, as amended by PL 1989, c. 502,
4 Pt. D, §14, is further amended to read:

6 **§1257-A. Notification of sentenced person's release**

8 A victim of any ~~Class--A,--B--or--C~~ crime for which the
10 perpetrator is committed to the Department of Corrections may
12 receive notice of that person's release from custody, including
14 parole, furloughs or work-release programs, upon complying with
this section, unless the Department of Corrections determines
that giving this notice could pose a threat to the safety of the
sentenced person.

16 1. **Request filed.** The victim must file a request for
18 notification of the sentenced person's release with the office of
the prosecutor at any time after the close of judicial
20 proceedings concerning the case. The prosecutor shall forward
22 this request form to the Department of Corrections which shall
forward the form to the correctional facility in which that
person is confined.

24 2. **Notice sent.** The correctional facility in which the
26 sentenced person is confined shall keep the victim's request in
the file of the sentenced person and shall notify the victim by
28 mail of any impending release as soon as the release date is
set. This notice shall must be mailed to the address provided in
30 the victim's request or any subsequent address provided by ~~him~~
the victim.

32 3. **Content of notice.** The notice required by subsection 2
34 shall must contain:

36 A. The name of the sentenced person;

38 B. The nature of the release authorized, whether it is a
parole, furlough, work-release or similar program;

40 C. The anticipated date of his release from confinement and
42 any date on which he the sentenced person must return to
confinement; and

44 D. The geographical area to which his the release is
46 limited, if any.

48 ~~4. --Termination of notice. --Notice of the sentenced person's
release is no longer required when either:--~~

50 ~~A. --The sentenced person has served his entire sentence for
52 a crime with regard to which the victim has requested
notice; or~~

2 B. ~~The victim has filed a signed request with the~~
3 ~~Department of Corrections which has been forwarded to the~~
4 ~~correctional facility in which the sentenced person is~~
5 ~~confined asking that no further notice be given.~~

6
7 4-A. Termination of notice. Notice of the sentenced
8 person's release is not required when the victim has filed a
9 signed request with the Department of Corrections that has been
10 forwarded to the correctional facility in which the sentenced
11 person is confined asking that no further notice be given.

12
13 5. Liability. Neither the failure of any state officer or
14 employee to perform the requirements of this section nor
15 compliance with ~~it shall subject~~ this section subjects the State
16 or the officer or employee to liability in any civil action.

17 Sec. 2. 34-A MRS §5210, sub-§4, ¶A, as enacted by PL 1983, c.
18 459, §6, is amended to read:

19
20 A. The board shall hold hearings, cause an investigation to
21 be made and collect records to determine the facts and
22 circumstances of a committed offender's crime, his past
23 criminal record, his social history and his physical and
24 mental condition as may bear on the application.

25
26 (1) The prosecutor of the prosecutorial district where
27 the committed offender was convicted shall provide the
28 board with information concerning the circumstances of
29 the offense, the circumstances of the conviction or
30 plea of guilty and other background information
31 relevant to the decision to grant or deny parole.

32
33 (2) The board shall provide notice of any hearing on
34 whether to grant or deny parole for a committed
35 offender to the prosecutor of the prosecutorial
36 district where the committed offender was convicted and
37 to the victim of the crime for which the committed
38 offender was convicted.

39
40 (3) The board shall permit the prosecutor of the
41 prosecutorial district where the committed offender was
42 convicted and the victim of the crime for which the
43 committed offender was convicted to present information
44 relevant to the decision to grant or deny parole for
45 the committed offender.

46
47 (4) Before the hearing, the board shall require a
48 disinterested 3rd party to examine any committed
49 offender convicted of a sex offense in which the victim
50 was a minor to determine whether the committed offender
51 poses a continuing danger to minors.

