

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2130

H.P. 1518

House of Representatives, January 9, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Joint Select Committee on Corrections suggested and ordered printed.

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

EDWIN H. PERT, Clerk

Presented by Representative ANTHONY of South Portland.

Cosponsored by Senator BUSTIN of Kennebec, Representative OTT of York and Representative FARNSWORTH of Hallowell.

STATE OF MAINE

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

Resolve, to Develop a Plan for a Coordinated System of Sanctions and Services for Convicted Sex Offenders.

(EMERGENCY)

2 **Emergency preamble.** Whereas, Acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

4
6 **Whereas,** currently 1/4 of all inmates in correctional
institutions in the State are convicted sex offenders; and

8 **Whereas,** because of budget constraints, less than 50 of the
State's inmates are currently receiving any sex offender
10 treatment services designed to reduce the likelihood of
recidivism; and

12
14 **Whereas,** the services that currently exist or have existed
in the State's correctional facilities are not coordinated in any
way with those that exist in the communities for use by persons
16 on probation or subsequent to release; and

18 **Whereas,** the State currently lacks adequate resources to
develop and put in place appropriate services, but adequate
20 financial resources for the services may exist in the future; and

22 **Whereas,** there has been a significant increase in the
general state of knowledge and understanding of how to
24 effectively reduce recidivism rates among certain subgroups of
the general class of sex offenders; and

26
28 **Whereas,** the State currently has no comprehensive plan for
sex offender treatment services that may be put in place when the
financial means for their creation exist in the future, a plan
30 that combines institutional services, probationary and
post-incarceration services and voluntary services for
32 maintenance and good behavior following release from all
Department of Corrections restraints; and

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36 **Whereas,** the Department of Corrections is directed to make
its report with a comprehensive plan for services by November 1,
1992; and

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40 **Whereas,** in order to complete its study in a timely manner,
it is necessary that the department undertake its study before
the expiration of the 90-day period; and

42
44 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
46 necessary for the preservation of the public peace, health and
safety; now, therefore, be it

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2 **Sec. 1. Study; plan. Resolved:** That the Department of
3 Corrections shall conduct a study to design a plan for the
4 delivery of treatment and services to convicted sex offenders to
5 reduce the likelihood of their repeating similar offenses after
6 release from incarceration or probation or other form of
7 restraint. The plan will include appropriate services for
8 individuals while they are on probation or under any
9 post-incarceration restraint, as well as voluntary services
10 following release from all criminal restraint. The plan must
11 provide for a continuum of treatment and services at the local or
12 community level, coordinated with services available during
13 incarceration in county or state facilities. As part of this
14 study, the department shall assess the feasibility of:

15 1. Establishing and maintaining separate correctional
16 facilities for convicted sex offenders;

17 2. Authorizing sentences of convicted sex offenders to
18 alternative sanctions, including diversionary programs
19 administered by the Department of Mental Health and Mental
20 Retardation; and

21 3. Establishing support groups or other self-help
22 approaches to maintain criminal-free behavior; and be it further

23 **Sec. 2. Consultation. Resolved:** That the department shall
24 consult with and seek advice from:

25 1. Experts in the field of corrections and treatment of sex
26 offenders;

27 2. Legislators who are members of the Joint Select
28 Committee on Corrections;

29 3. Interested members of the public who are victims of sex
30 offenders or members of victim support systems;

31 4. The Department of Mental Health and Mental Retardation;
32 and

33 5. Law enforcement personnel; and be it further

34 **Sec. 3. Resources. Resolved:** That the department shall
35 conduct the study within available resources of the department;
36 and be it further

37 **Sec. 4. Report. Resolved:** That the department shall submit
38 its report including any necessary implementing legislation to
39 the Joint Select Committee on Corrections by November 1, 1992.

2 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.

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STATEMENT OF FACT

8 This resolve directs the Department of Corrections to
undertake a study to develop a plan designed to provide a
10 continuum of treatment and services for convicted sex offenders
that attempts to prevent repeat offenses. The study will examine
12 the feasibility of instituting alternatives in sentencing and
housing convicted sex offenders. The department shall submit its
14 report by November 1, 1992.