

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1652, L.D. 2315, Bill, "An Act to Ensure Continuing Knowledge of the Identity and Whereabouts of Convicted Sex Offenders"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 34-A MRSA c. 11 is enacted to read:

CHAPTER 11

SEX OFFENDER REGISTRATION ACT

§11001. Short title

This chapter may be known and cited as the "Sex Offender Registration Act."

§11002. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Agency. "Agency" means an institution or department that has custody or jurisdiction over a sex offender. Agency includes county jails, state prisons, the Department of Corrections, the Maine Youth Center and detention facilities.

2. Sex offender. "Sex offender" means an individual convicted of gross sexual assault if the victim had not attained the age of 16 years at the time of the crime.

§11003. Registration of sex offenders

1. Duty to register. A sex offender who is sentenced to probation, discharged or discharged under supervision from a state or county correctional facility shall, within 15 calendar days after being sentenced to probation, discharge or discharge under supervision, register that person's current address with the Department of Public Safety, State Bureau of Identification.

This registration requirement remains in effect for 15 years from the date of:

A. Sentencing if no period of incarceration is to be served; or

B. Discharge or discharge under supervision from any state or county correctional facility.

2. Notice of duty to register. The agency that has jurisdiction over a sex offender required to register under this chapter or the court shall, prior to discharge or at the time of sentencing, inform the sex offender of the duty to register under subsection 1.

3. Change of address. If a sex offender required to register under this chapter changes address, that person shall register the new address with the State Bureau of Identification within 5 days of moving to the new address.

4. Waiver of registration. Registration may be waived only if:

A. The conviction is vacated;

B. A full and free pardon is granted;

C. A certificate of rehabilitation is issued by a licensed counselor certified by the Forensic Evaluation Unit at the Department of Mental Health and Mental Retardation who deals with sex offenders; or

D. The sentencing court, for good cause shown, waives the registration requirement.

5. Violation. A person who fails to register or update the information required under this chapter is guilty of a Class E crime.

§11004. Access to records

The Criminal History Record Information Act, Title 16, chapter 3, subchapter VIII governs access to records maintained under this chapter.

Sec. 2. Costs not funded. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandates subject to that section and the State is not required to fund those costs.

FISCAL NOTE

The Department of Public Safety will incur some additional administrative costs in requiring sex offenders who victimize children to register their current addresses with the State Bureau of Identification. These costs can be absorbed utilizing federal funds under the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department.'

STATEMENT OF FACT

This amendment replaces the bill. It establishes the requirement that sex offenders who victimize children must register their current addresses with the State Bureau of Identification for 15 years. A juvenile is required to register only if he or she was tried and convicted as an adult.

"Sex offender" is defined as an individual who is convicted of the crime of gross sexual assault and the victim of that crime had not attained the age of 16 at the time of the crime.

Sex offenders are required to keep the State Bureau of Identification informed of their current address from the time of discharge from a correctional facility, or from the time of the start of probation when no imprisonment is imposed, for 15 years.

Records of criminal convictions are public information and are available from the State Bureau of Identification.

The registration requirement is waived only when the conviction or adjudication is vacated, a full and free pardon is granted, a certification of rehabilitation is issued or the

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2 sentencing court orders, for good cause shown, that the
requirement be waived.

4 This amendment does not include any requirement to register
with local law enforcement agencies or for the local law
6 enforcement agencies to maintain a register of sex offenders
residing within their jurisdictions.

8 The amendment also adds an appropriation section and a
10 fiscal note to the bill.

Reported by the Committee on Judiciary
Reproduced and distributed under the direction of the Clerk of the
House
3/25/92 (Filing No. H-1271)