

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2315

H.P. 1652

House of Representatives, February 11, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
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 LARRIVEE of Gorham.

Cosponsored by Representative CATHCART of Orono, Senator ESTY of Cumberland and Representative OTT of York.

STATE OF MAINE

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

**An Act to Ensure Continuing Knowledge of the Identity and
Whereabouts of Convicted Sex Offenders.**



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

4 Sec. 1. 17-A MRSA §1204, sub-§1-B is enacted to read:

6 1-B. As a condition of probation for a sex crime, a convicted person must register with the local law enforcement agency in the town in which the person intends to reside.

8 Sec. 2. 34-A MRSA c.11 is enacted to read:

10 **CHAPTER 11**
12 **SEX OFFENDER REGISTRATION ACT**

14 **§11001. Short title**

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

18 **§11002. Definitions**

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

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

24 2. Department. "Department" means the Department of Public Safety.

26 3. Local law enforcement agency. "Local law enforcement agency" means tribal law enforcement officers, municipal police departments, county sheriff departments and the State Police.

28 4. National Crime Information Center. "National Crime Information Center" means the division of the Federal Bureau of Investigation that serves as a computerized information source on wanted criminals, persons named in arrest warrants, runaways, missing children and stolen property for use by federal, state and local law enforcement agencies.

30 5. Person. "Person" means an adult or a juvenile.

32 6. Sex crime. "Sex crime" means any Class A, Class B or Class C crime under Title 17-A, chapters 11 and 35.

34 7. Sex offender information. "Sex offender information" means the following information concerning a person who has committed a violation of the criminal sex abuse laws of this State:

2 A. The name, social security number, age, race, sex, date
4 of birth, height, weight, hair and eye color, aliases used,
 residence and a brief description of the crime or crimes
 committed;

6 B. A copy of the fingerprints; and

8 C. Any information the Department of Public Safety, the
10 Federal Bureau of Investigation or the National Crime
12 Information Center determines may be useful in identifying
 sex offenders.

14 §11003. Sex offender information registry established

16 In order to protect the safety and welfare of the children
18 of the State, the Sex Offender Information Registry is
20 established in the Department of Public Safety, State Bureau of
 Identification. The Sex Offender Information Registry is a
 central repository of sex offender information.

22 §11004. Duty and authority of department

24 The department has the following duty and authority in
26 maintaining the Sex Offender Information Registry.

28 1. Forms. The department shall prepare a form in
30 quadruplicate that contains all the information required in
 section 11005, subsection 4.

32 2. Records exchange. To maintain an updated sex offender
34 information registry, the department may request from and provide
36 identification records for the purpose of exchanging information
 and technical assistance in sex crime cases to agencies in other
 states that maintain a similar registry.

38 §11005. Registration of sex offenders

40 1. Duty to register. A person who, since January 1, 1977,
42 has been sentenced to probation, discharged or discharged under
44 supervision from prison or county jail for committing or
 attempting to commit a sex crime shall, within 5 calendar days
 from sentencing, discharge or discharge under supervision,
 register with the local law enforcement agency in the town in
 which the person intends to reside.

46 2. Notice of duty to register. A person who is required to
48 register under subsection 1 must, prior to discharge or at time
50 of sentencing, be informed of that person's duty to register
 under this section by the agency that has jurisdiction over that
 person.

2 3. New resident; duty to register. A person who has been
4 convicted in another state of a sex crime that is considered a
sex crime in this State shall register with the local law
6 enforcement agency within 30 days of establishing residence.

8 4. Registration form. The registration form must contain
10 the sex offender information as defined in section 11001,
12 subsection 7. One copy is retained by the agency that has
14 jurisdiction over the person, one copy is forwarded to the
department, one copy is forwarded to the local law enforcement
agency in the town in which the person intends to reside and one
copy is retained by the person who is required to register.

16 A. If a person required to register under this chapter
18 changes address, that person shall provide written notice
20 not later than 5 days after the change to the local law
22 enforcement agency with whom the person last registered.
The local law enforcement agency shall forward this
information to the department. If the person moves to a new
municipality or county, the department shall inform the
applicable local law enforcement agency in the new area of
that person's residence.

24 5. Waiver of registration. Registration may be waived only
26 if:

28 A. Charges are dismissed;

30 B. A pardon is granted; or

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

38 6. Violation. A person who fails to register or update the
40 information required under this chapter is guilty of a Class D
crime.

42 §11006. Access to records

44 1. Rules. The State Bureau of Identification shall adopt
46 rules in accordance with the Maine Administrative Procedure Act
for the implementation of this chapter.

48 2. Requirements. The rules shall include, but are not
50 limited to:

A. Procedures to ensure the security, confidentiality,
accuracy, use and dissemination of information; and

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B. Establish a list of agencies that are authorized to obtain information from the Sex Offender Information Registry. Each agency on the list must designate one person from the agency to be the contact person for obtaining any information from the Sex Offender Information Registry.

3. Records available. Notwithstanding Title 15, section 3308, subsection 8, all information maintained in the Sex Offender Information Registry must be made available upon request by any agency on the list established by the State Bureau of Identification.

STATEMENT OF FACT

This bill creates the Sex Offender Registration Act. The bill requires the Department of Public Safety, State Bureau of Identification to maintain a sex offender information registry. The department shall supply forms to all correctional facilities and inform the facilities of their duty to inform any sex offender that is sentenced to probation or is being released from prison that the person must register with the local law enforcement agency of the town in which the person intends to reside. The department shall establish rules for the implementation of this Act.