

# MAINE STATE LEGISLATURE

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777  
R. G. S.

L.D. 1006

DATE: 5/8/95

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**CRIMINAL JUSTICE**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
117TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 732, L.D. 1006, Bill, "An Act to Amend the Law to Provide for the Notification of Immediate Family Members of Homicide Victims"

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

**§1257-A. Notification of perpetrator's release**

A victim of any Class A, B or C crime for which the perpetrator is committed to the Department of Corrections may receive notice of that person's release from eustody institutional confinement, including parole, furloughs or work-release programs, intensive supervision or supervised community confinement, 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 perpetrator. When the victim is a victim of homicide, the parent, child, sibling and spouse of the victim may receive notice of the perpetrator's release from institutional confinement.

1. **Request filed.** The-victim Persons who wish to receive notification as allowed by this section must file a request for notification of the sentenced-person's perpetrator's release with the office of the prosecutor at any time after the close of judicial proceedings concerning the case. The prosecutor shall forward this request form to the Department of Corrections, which shall forward the form to the correctional facility in which that person is confined.

**COMMITTEE AMENDMENT**

2           **2. Notice sent.** The correctional facility in which the  
3 ~~sentenced-person~~ perpetrator is confined shall keep the victim's  
4 or other person's request in the file of the ~~sentenced-person~~  
5 perpetrator and shall notify the victim or other person by mail  
6 of any impending release as soon as the release date is set.  
7 This notice shall must be mailed to the address provided in the  
8 victim's request or any subsequent address provided by him the  
9 requesting person.

10           **3. Content of notice.** The notice required by subsection 2  
11 shall must contain:

12           A. The name of the ~~sentenced-person~~ perpetrator;

13           B. The nature of the release authorized whether it is a  
14 parole, furlough, work-release, intensive supervision,  
15 supervised community confinement or similar program;

16           C. The anticipated date of his the perpetrator's release  
17 from institutional confinement and any date on which he the  
18 perpetrator must return to institutional confinement; and

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

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

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

26           B. The victim or other person has filed a signed request  
27 with the Department of Corrections which that has been  
28 forwarded to the correctional facility in which the  
29 ~~sentenced--person~~ perpetrator is confined asking that no  
30 further notice be given.

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

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45           **STATEMENT OF FACT**

46           This amendment allows homicide victims' parents, children,  
47 siblings and spouses to be notified of a perpetrator's release  
48 from institutional confinement, including parole, furloughs,  
49 work-release programs, intensive supervision and supervised  
50 community confinement.