

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

R. 03

L.D. 74

DATE: 5-19-97

(Filing No. H-517)

**CRIMINAL JUSTICE**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 49, L.D. 74, Bill, "An Act to Increase the Period of Probation for Sex Offenders"

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

**Sec. 1. 17-A MRSA §1202, sub-§1-A is enacted to read:**

1-A. Notwithstanding subsection 1, the period of probation for a person convicted under chapter 11 or section 854, excluding subsection 1, paragraph A, subparagraph (1), may be extended by up to 4 years for a Class A crime, by up to 2 years for a Class B or Class C crime and by up to one year for a Class D or Class E crime if the court finds that the additional time is needed to provide sex-offender treatment to the person or to protect the public from the person because, based on one or more of the factors in section 257, the court determines that the person is a high-risk sex offender.

**Sec. 2. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1998-99

**CORRECTIONS, DEPARTMENT OF**

**Probation and Parole**

Positions - Legislative Count (2.000)

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to H.P. 49, L.D. 74

2	Personal Services	\$60,866
	All Other	10,080
4	Capital Expenditures	12,000

6 Provides funds for one  
 8 Probation Officer position  
 10 effective July 1, 1998 and  
 12 one Probation Officer  
 position effective January 1,  
 1999 as a result of allowing  
 the court to increase certain  
 periods of probation.

14 **DEPARTMENT OF CORRECTIONS**  
 16 **TOTAL** \$82,946'

18 Further amend the bill by inserting at the end before the  
 20 summary the following:

22 **FISCAL NOTE**

1998-99

24 **APPROPRIATIONS/ALLOCATIONS**

26	General Fund	\$82,946
----	--------------	----------

28 The Department of Corrections will require an additional  
 30 General Fund appropriation of \$82,946 in fiscal year 1998-99 to  
 32 support the cost of 2 new Probation Officer positions, one  
 effective July 1, 1998 and one effective January 1, 1999 due to  
 the increase in the allowable period of probation for certain  
 34 crimes. The department will also require one additional  
 Probation Officer position beginning in fiscal year 1999-2000.  
 36 The total annual cost of the 3 new positions in fiscal year  
 1999-2000 is estimated to be \$149,000.

38 The Judicial Department may require additional General Fund  
 40 appropriations to cover indigent defense costs resulting from an  
 increase in probation revocation cases in Superior and District  
 42 Court. The amounts can not be estimated at this time. The  
 additional workload and administrative costs associated with the  
 44 minimal number of new cases filed in the court system can be  
 absorbed within the budgeted resources of the Judicial  
 46 Department. The collection of additional fines may also increase  
 General Fund revenue by minor amounts.'

**COMMITTEE AMENDMENT**

2  
4  
6  
8  
10  
12

**SUMMARY**

This bill allows a court to impose a period of probation of up to 10 years for a Class A crime, up to 6 years for a Class B or Class C crime and up to 2 years for a Class D or Class E crime if the person is convicted of a sexual assault or of indecent conduct, excluding a conviction for engaging in a sexual act in a public place, and the court finds that additional probationary time is needed to either provide sex-offender treatment to the offender or protect the public from an offender determined as a high-risk sex offender.