

MAINE STATE LEGISLATURE

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MAJORITY
CRIMINAL JUSTICE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1473, L.D. 2072, Bill, "An Act to Amend the Laws Regarding 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 §251, sub-§1, ¶F is enacted to read:

F. "Safe children zone" means on or within 1,000 feet of the real property comprising a public or private elementary or secondary school or on or within 1,000 feet of the real property comprising a day care center licensed pursuant to Title 22, section 8301-A.

Sec. 2. 17-A MRSA §253, sub-§7 is enacted to read:

7. If the State pleads and proves that a violation of subsection 1 or subsection 2 was committed in a safe children zone, the court, in determining the appropriate sentence, shall treat this as an aggravating sentencing factor.

Sec. 3. 34-A MRSA §11103, sub-§5, as enacted by PL 1995, c. 680, §13, is repealed and the following enacted in its place:

5. Sex offender. "Sex offender" means:

A. An individual convicted of gross sexual assault if the victim had not in fact attained 16 years of age at the time

COMMITTEE AMENDMENT

of the crime or an individual found not criminally responsible for committing gross sexual assault by reason of mental disease or defect if the victim had not in fact attained 16 years of age at the time of the crime; or

B. An individual convicted of any of the following crimes or an individual found not criminally responsible for committing any of the following crimes by reason of mental disease or defect:

(1) Title 17-A, section 253;

(2) A Class C crime under Title 17-A, section 254;

(3) Title 17-A, section 255, subsection 1, paragraph C, G or H; or

(4) Title 17, section 2922.

This paragraph applies only to those offenders sentenced or placed in institutional confinement on or after September 1, 1998.

Sec. 4. 34-A MRSA §11142, sub-§1, ¶D, as enacted by PL 1995, c. 680, §13, is amended to read:

D. The status of the sex offender when released as determined by the risk assessment instrument, the offender's risk assessment score, a copy of the risk assessment instrument and applicable contact standards for the offender.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1998-99

PUBLIC SAFETY, DEPARTMENT OF

State Police

Positions - Legislative Count	(1,000)
Personal Services	\$19,774
All Other	8,435

Provides funds for the 40% General Fund share of an Identification Specialist III position and general operating expenses required to conduct additional background investigations.

2 **DEPARTMENT OF PUBLIC SAFETY**
 3 **TOTAL** \$28,209

4 **Sec. 6. Allocation.** The following funds are allocated from the
 6 Highway Fund to carry out the purposes of this Act.

8 **1998-99**

10 **PUBLIC SAFETY, DEPARTMENT OF**

12 **State Police**

14 Personal Services \$29,661
 15 All Other 12,653

16 Provides funds for the corresponding 60%
 18 Highway Fund share of an Identification
 20 Specialist III position and general
 22 operating expenses required to conduct
 additional background investigations.

24 **DEPARTMENT OF PUBLIC SAFETY**
TOTAL \$42,314'

26 Further amend the bill by inserting at the end before the
 28 summary the following:

30 **FISCAL NOTE**

32 **1998-99**

34 **APPROPRIATIONS/ALLOCATIONS**

36 General Fund \$28,209
 38 Highway Fund 42,314

40 This bill includes a General Fund appropriation of \$28,209
 and a Highway Fund allocation of \$42,314 in fiscal year 1998-99
 42 for an Identification Specialist III position and general
 operating expenses required to conduct additional background
 44 investigations as a result of the expansion of the definition of
 sex offender. The future General Fund costs in fiscal years
 1999-2000 and 2000-01 are estimated to be \$66,351 and \$58,084,
 46 respectively. The corresponding future Highway Fund costs are
 estimated to be \$99,525 and \$87,125. These future costs include
 48 funding for a Detective position beginning in fiscal year
 1999-2000 and an Identification Specialist I position in fiscal
 50 year 2001-02.

2 This bill may increase the length of sentence for certain
3 crimes by one, two or four years. Sentences of more than nine
4 months must be served in state correctional institutions. The
5 cost to the State for each year added to a sentence is \$26,620,
6 based on an average cost per day per prisoner of \$72.93.

8 The additional costs associated with an increase in
9 notifications can be absorbed by the Department of Corrections
10 utilizing existing budgeted resources.'

12
13 **SUMMARY**

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15 This amendment replaces the bill and is the majority report
16 of the Joint Standing Committee on Criminal Justice. The
17 amendment creates a "safe children zone" that is defined as on or
18 within 1,000 feet of the real property comprising a public or
19 private elementary or secondary school or on or within 1,000 feet
20 of the real property comprising a licensed day care center. The
21 amendment requires the court, when determining an appropriate
22 sentence in a gross sexual assault case, to consider as an
23 aggravating sentencing factor the fact that the gross sexual
24 assault was committed in a safe children zone.

26 Effective September 1, 1998, the amendment expands the
27 definition of "sex offender" for purposes of the Sex Offender
28 Registration and Notification Act to include all sex offenses in
29 the Maine Revised Statutes, Title 17-A, chapter 11 that are Class
30 A, B or C crimes and the crime of sexual exploitation of a minor.

32 The amendment also requires the Department of Corrections to
33 forward to the Department of Public Safety, State Bureau of
34 Identification the following additional information regarding a
35 sex offender who is required to register under the Sex Offender
36 Registration and Notification Act: the offender's risk
37 assessment score, a copy of the risk assessment instrument and
38 applicable contact standards for the offender. The State Bureau
39 of Identification shall forward this information to all required
40 law enforcement agencies who may then distribute the information
41 to members of the public who the agencies determine are necessary
42 to ensure public safety.

44 The amendment also adds a fiscal note.