

MAINE STATE LEGISLATURE

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MINORITY
CRIMINAL JUSTICE

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

COMMITTEE AMENDMENT "B" 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 §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.'

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

4
6 **FISCAL NOTE**

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

14
16 **SUMMARY**

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

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

40 The amendment also adds a fiscal note.