

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)



118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2084

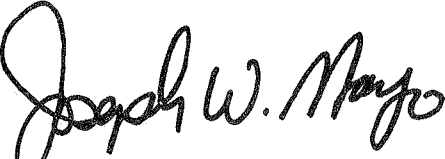
H.P. 1485

House of Representatives, January 20, 1998

An Act to Protect Children from Sex Offenders.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Criminal Justice suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative KONTOS of Windham.

Cosponsored by Representatives: LABRECQUE of Gorham, MUSE of South Portland.

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

4 Sec. 1. 17-A MRSA §259 is enacted to read:

6 §259. Sex offenders prohibited near schools

8 1. A sex offender who resides or loiters on or within 1,000 feet of school property is guilty of a Class C crime.

10 2. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

12 A. "Loiter" means:

14 (1) To stand or sit idly, whether in a vehicle or not, or remaining on or around school property without a reason or without a relationship involving custody of or responsibility for a pupil or without any other specific or legitimate reason for being there; or

20 (2) To stand or sit idly, whether in a vehicle or not, or remaining on or around school property for the purpose of engaging in or soliciting another person to engage in any of the crimes prohibited in this chapter.

26 B. "Reside" means to dwell permanently or continuously or to occupy a dwelling or home as one's permanent or temporary place of abode.

30 C. "Sex offender" means an individual convicted of gross sexual assault if the victim had not in fact attained 16 years of age at the time 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.

38 D. "School" means any preschool, kindergarten, elementary school, secondary school, vocational technical school or any other institution that has as its primary purpose the education or instruction of children under 16 years of age.

44 3. In a prosecution for a violation of this section, it is not a defense that the person was unaware that the prohibited conduct took place on or within 1,000 feet of school property.

48 **SUMMARY**

50 This bill prohibits a sex offender from residing or loitering within 1,000 feet of a school. This bill is modeled on a Delaware statute.