

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 195

S.P. 92

In Senate, January 11, 1999

An Act to Prohibit Sex Offenders from Being near Schools or Day Care Facilities.

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MacKINNON of York.
Cosponsored by Senator BENOIT of Franklin, Representatives: BOWLES of Sanford,
MacDOUGALL of North Berwick, McALEVEY of Waterboro, MURPHY of Berwick.

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

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

§259. Sex offenders prohibited near schools and day care facilities

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

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

A. "Day care facility" means a house or other place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 3 or more children under the age of 16.

B. "Loiter" means:

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

(2) To stand or sit idly, whether in a vehicle or not, or remain 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.

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

D. "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.

E. "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.

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

6
8 **SUMMARY**

10 This bill prohibits a sex offender from residing or
loitering within 1,000 feet of a school or day care facility.