

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

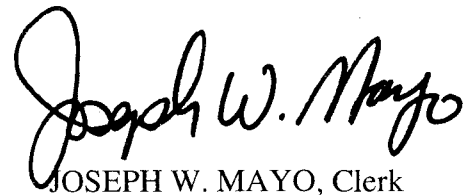
No. 1583

H.P. 1124

House of Representatives, March 2, 1999

An Act to Amend the Definition of Sex Offender and to Require Sheriffs to Notify the State Bureau of Identification of a Sex Offender's Release from Jail for Purposes of Registration and Notification.

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


JOSEPH W. MAYO, Clerk

Presented by Representative O'BRIEN of Augusta.

Cosponsored by Representatives: BAKER of Bangor, McALEVEY of Waterboro, MUSE of South Portland, PLOWMAN of Hampden, QUINT of Portland.

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

Sec. 1. 34-A MRSA §11103, sub-§5, as enacted by PL 1995, c. 680, §13, is repealed and the following enacted in its place: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. For persons sentenced to or placed in institutional confinement under Title 15, section 103 on or after September 1, 1996 and before September 1, 1999, 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; and

B. For persons sentenced to or placed in institutional confinement under Title 15, section 103 on or after September 1, 1999, 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, section 2922;

(2) Title 17-A, section 253;

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

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

Sec. 2. 34-A MRSA §11142, first ¶, as enacted by PL 1995, c. 680, §13, is amended to read:

The department, the county sheriffs and the Department of Public Safety, State Bureau of Identification are governed by the following notice provisions when a sex offender is conditionally released or discharged.

Sec. 3. 34-A MRSA §11142, sub-§1-A is enacted to read:

1-A. Duties of the county sheriffs. County sheriffs shall give the Department of Public Safety, State Bureau of Identification notice of the following:

A. The address where the sex offender will reside;

B. The address where the sex offender will work, if applicable;

2 C. The geographic area to which a sex offender's
4 conditional release is limited, if any; and

6 D. If the sheriff has consulted with the department and has
8 this information, the status of the sex offender when
10 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.

12 **Sec. 4. 34-A MRSA §11142, sub-§2, as enacted by PL 1995, c.**
14 **680, §13, is amended to read:**

16 **2. Duties of the Department of Public Safety, State Bureau**
 of Identification. Upon receipt of the information concerning
18 to ~~subsection~~ subsections 1 and 1-A, the Department of Public
20 Safety, State Bureau of Identification shall forward the
22 information in ~~subsection~~ subsections 1 and 1-A to all law
 enforcement agencies that have jurisdiction in those areas where
 the sex offender may reside or work.

24 **Sec. 5. 34-A MRSA §11144, as enacted by PL 1995, c. 680, §13,**
26 **is amended to read:**

28 **§11144. Risk assessment assistance**

30 Upon request, the department shall provide to law
32 enforcement agencies technical assistance concerning risk
34 assessment for purposes of notification to the Department of
 Public Safety, State Bureau of Identification and to the public
 of a sex offender's conditional release or discharge.

36 **SUMMARY**

38 This bill expands the definition of "sex offender" for
40 purposes of the Sex Offender Registration and Notification Act to
42 include all sex offenses in the Maine Revised Statutes, Title
44 17-A, chapter 11 that are Class A, B or C crimes and the crime of
 sexual exploitation of a minor. For purposes of registration and
 notification, the bill also requires county sheriffs to notify
 the Department of Public Safety, State Bureau of Identification
 when a sex offender is released from a county jail.