

# MAINE STATE LEGISLATURE

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L.D. 1721

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DATE: May 21, 1999

(Filing No. S-332 )

**CRIMINAL JUSTICE**

Reported by:

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**STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 597, L.D. 1721, Bill, "An Act to Create the Sex Offender Registration and Notification Act of 1999"

Amend the bill in section 2 in that part designated "**§11203.**" in subsection 6 in the 2nd line (page 2, line 15 in L.D.) by inserting after the following: "an attempt" the following: 'or solicitation'

Further amend the bill in section 2 in that part designated "**§11203.**" in subsection 6 by striking out all of paragraph B and inserting in its place the following:

'B. A violation under Title 17-A, section 253, subsection 2, paragraph E, F, G, H, I or J; Title 17-A, section 254; Title 17-A, section 255, subsection 1, paragraph A, E, F, G, I or J; Title 17-A, section 256; Title 17-A, section 258; Title 17-A, section 301, unless the actor is a parent of the victim; Title 17-A, section 302; Title 17-A, section 511, subsection 1, paragraph D; Title 17-A, section 556; Title 17-A, section 852, subsection 1, paragraph B; or Title 17-A, section 855; or'

Further amend the bill in section 2 in that part designated "**§11203.**" in subsection 7 by striking out all of paragraph A and inserting in its place the following:

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COMMITTEE AMENDMENT "A" to S.P. 597, L.D. 1721

2           'A. A conviction for or an attempt to commit an offense  
3           under Title 17-A, section 253, subsection 1; Title 17-A,  
4           section 253, subsection 2, paragraph A, B, C or D; or Title  
5           17-A, section 255, subsection 1, paragraph B, C, D or H; or'

6           Further amend the bill in section 2 in that part designated  
7           "~~§11221.~~" in subsection 1 in paragraph D in the first line (page  
8           3, line 31 in L.D.) by striking out the following:  
9           "Documentation" and inserting in its place the following:  
10          'Notation'

12          Further amend the bill in section 2 by inserting after that  
13          part designated "~~§11225.~~" the following:

14          '~~§11226. Fee~~

15                 The bureau may charge a \$25 annual fee to persons required  
16                 to register under this chapter. Sex offenders and sexually  
17                 violent predators shall pay the fee at the time of initial  
18                 registration and shall pay the fee on each anniversary of their  
19                 initial registration.

20                 The fee must be credited to the General Fund and the Highway  
21                 Fund in an amount consistent with currently budgeted  
22                 appropriations and allocations.'

23          Further amend the bill in section 2 by renumbering the  
24          sections to read consecutively.

25          Further amend the bill by inserting after section 2 the  
26          following:

27                 '**Sec. 3. State mandate requirements.** The Commissioner of  
28                 Public Safety shall implement the requirements of the Maine  
29                 Revised Statutes, Title 30-A, section 5685 and the Constitution  
30                 of Maine to distribute funding to meet 90% of the additional  
31                 local costs of this Act.

32                 '**Sec. 4. Appropriation.** The following funds are appropriated  
33                 from the General Fund to carry out the purposes of this Act.

	<b>1999-00</b>	<b>2000-01</b>
<b>44 PUBLIC SAFETY, DEPARTMENT OF</b>		
<b>46 State Police</b>		
48                 Positions - Legislative Count		(1,000)
Personal Services		\$19,500

**COMMITTEE AMENDMENT**

R.S.

COMMITTEE AMENDMENT "A" to S.P. 597, L.D. 1721

2	All Other	\$6,000	
4	TOTAL	<u>\$6,000</u>	<u>\$19,500</u>

6 Provides funds for the  
 8 General Fund share of one  
 10 additional Supervisor  
 12 position, to be established  
 14 on August 1, 2000, and  
 operating costs necessary to  
 implement new sex offender  
 registration and notification  
 requirements.

**16 Sex Offender Registration -  
 18 State Mandate Reimbursement**

20	All Other	\$1,500	\$3,000
22	Appropriates funds for the 24 General Fund share of 26 reimbursing municipalities for certain new sex offender registration and notification costs.		

<b>28</b>	<b>DEPARTMENT OF PUBLIC SAFETY</b>		
	<b>TOTAL</b>	<u>\$7,500</u>	<u>\$22,500</u>

30 **Sec. 5. Allocation.** The following funds are allocated from the  
 32 Highway Fund to carry out the purposes of this Act.

<b>34</b>		<b>1999-00</b>	<b>2000-01</b>
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**36 PUBLIC SAFETY, DEPARTMENT OF**

**38 State Police**

40	Personal Services		\$29,250
42	All Other	\$9,000	
44	TOTAL	<u>\$9,000</u>	<u>\$29,250</u>

46 Allocates funds for the  
 48 Highway Fund's share of one  
 50 additional Supervisor  
 position and operating costs  
 necessary to implement new

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to S.P. 597, L.D. 1721

sex offender registration and notification requirements.

**Sex Offender Registration - State Mandate Reimbursement**

All Other \$2,250 \$4,500

Allocates funds for the Highway Fund share of reimbursing municipalities for certain new sex offender registration and notification costs.

**DEPARTMENT OF PUBLIC SAFETY TOTAL**

\$11,250 \$33,750

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

**1999-00**

**PUBLIC SAFETY, DEPARTMENT OF**

**State Police**

All Other \$48,776

Allocates funds to purchase technology that is necessary for the implementation of a sex offender registration and notification program.

**DEPARTMENT OF PUBLIC SAFETY TOTAL**

\$48,776'

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

**FISCAL NOTE**

**1999-00 2000-01**

**APPROPRIATIONS/ALLOCATIONS**

General Fund \$7,500 \$22,500  
Highway Fund 11,250 33,750

Other Funds 48,776

**REVENUES**

General Fund	\$7,500	\$22,500
Highway Fund	11,250	33,750
Other Funds	48,776	

The bill establishes an annual registration fee for sex offenders. This fee will generate total additional revenue of \$18,750 in fiscal year 1999-00 and \$56,250 in fiscal year 2000-01, \$93,750 in fiscal year 2001-02 and \$131,250 in fiscal year 2002-03. These fees are divided among the General Fund, 40% of the total, and Highway Fund, 60% of the total, based on the budgeted distribution of funding for the State Police. In fiscal year 1999-00, the General Fund share is \$7,500 and the Highway Fund share is \$11,250. In fiscal year 2000-01, the General Fund share is \$22,500 and the Highway Fund share is \$33,750.

This bill imposes additional requirements on county jails and local law enforcement agencies for initial registrations and for verifications. Amounts equal to \$5 of the annual fee are appropriated and allocated to be paid to the county jail and local law enforcement agencies to provide funding to meet the constitutional requirement to fund at least 90% of these additional local costs. Additional General Fund appropriations of \$1,500 and \$3,000 in fiscal years 1999-00 and 2000-01, respectively, and Highway Fund allocations of \$2,250 and \$4,500, respectively, are included in the bill to distribute the amount equal to \$5 of the fee to provide funding for this state mandate.

The remaining revenue after the distribution of the \$5 to county jails and local law enforcement agencies is appropriated and allocated to the Department of Public Safety to implement the new sex offender registration and notification requirements. This bill includes General Fund appropriations of \$6,000 and \$19,500 and Highway Fund allocations of \$9,000 and 29,250 in fiscal years 1999-00 and 2000-01, respectively, to the Department of Public Safety to fund these costs. This level of funding is insufficient to fund the estimated costs of the department to implement this bill. Additional General Fund appropriations and Highway Fund allocations are needed in the amount of \$53,794 in fiscal year 1999-00 and \$26,288 in fiscal year 2000-01 to fully fund the costs to implement this program, which are estimated to be \$68,794 in fiscal year 1999-00 and \$75,038 in fiscal year 2000-01, and which include an additional Supervisor position beginning on the effective date of this bill. Without additional funding, the Department of Public Safety will need to divert staff resources from other responsibilities. The impact on the department can not be determined at this time.

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COMMITTEE AMENDMENT "A" to S.P. 597, L.D. 1721

2           The bill also includes an additional Federal Expenditures  
4 Fund allocation of \$48,776 in fiscal year 1999-00 for the State  
6 Police program within the Department of Public Safety which is  
8 available to fund certain technology costs relative to the  
10 establishment of a sex offender registration program. In  
12 addition to the additional federal funds available to assist in  
14 the implementation of the new registration requirements, this  
16 bill will avoid possible sanctions that would affect  
approximately \$300,000 annually of other federal funds received  
by the department.

18           The additional costs associated with initial registration  
20 can be absorbed by the Department of Corrections and the  
22 Department of Mental Health, Mental Retardation and Substance  
24 Abuse Services utilizing existing budgeted resources.

26           This bill may increase prosecutions for Class C and D  
28 crimes. Sentences of more than nine months imposed for Class C  
30 crimes must be served in state correctional institutions. The  
cost to the State per sentence is \$61,894 based upon an average  
length of stay of 2 years and 3 months. The State also must  
reimburse counties for sentences served in county jails of 9  
months or less for Class C crimes. If a jail sentence is imposed  
for Class D crimes, the additional costs to the counties are  
estimated to be \$82.48 per day per prisoner. These costs are not  
reimbursed by the State. The number of prosecutions that may  
result in a jail sentence and the resulting costs to the county  
jail system are expected to be insignificant.

32           The Judicial Department may require additional General Fund  
34 appropriations to cover indigent defense costs related to these  
36 new cases. The amounts can not be estimated at this time. The  
38 additional workload and administrative costs associated with the  
minimal number of new cases filed in the court system can be  
absorbed within the budgeted resources of the Judicial  
Department. The collection of additional fines may also increase  
General Fund revenue by minor amounts.

40           The Department of the Attorney General will incur additional  
42 costs to enforce the new requirements for sex offender  
44 registration. The Department of the Attorney General assumes  
46 that the additional enforcement activities associated with the  
changes will be minimal and the costs associated with these  
activities can be absorbed within the department's existing  
budgeted resources.'

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RWS

**SUMMARY**

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The amendment clarifies which offenses fall under the definitions of "sex offender" and "sexually violent predator" for purposes of registration. The amendment also clarifies that only a notation that an offender received treatment is necessary for purposes of registration. The amendment requires sex offenders and sexually violent predators to pay an initial \$25 fee for registration and an annual \$25 fee on the anniversary of their registration for registration and domicile verification. The amendment also adds an appropriation, an allocation and a fiscal note to the bill.