

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 817

S.P. 249

In Senate, February 15, 2001

An Act to Protect Maine Children.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LONGLEY of Waldo.

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

2 **Sec. 1. 17-A MRSA §15, sub-§1, ¶A**, as amended by PL 1999, c.
4 644, §1, is further amended to read:

6 A. Any person who the officer has probable cause to believe
8 has committed or is committing:

10 (1) Murder;

12 (2) Any Class A, Class B or Class C crime;

14 (3) Assault while hunting;

16 (4) Any offense defined in chapter 45;

18 (5) Assault, criminal threatening, terrorizing or
20 stalking, if the officer reasonably believes that the
person may cause injury to others unless immediately
arrested;

22 (5-A) Assault, criminal threatening, terrorizing,
24 stalking, criminal mischief, obstructing the report of
a crime or injury or reckless conduct if the officer
26 reasonably believes that the person and the victim are
family or household members, as defined in Title 15,
section 321;

28 (6) Theft as defined in section 357, when the value of
30 the services is \$2,000 or less if the officer
reasonably believes that the person will not be
32 apprehended unless immediately arrested;

34 (7) Forgery, if the officer reasonably believes that
36 the person will not be apprehended unless immediately
arrested;

38 (8) Negotiating a worthless instrument if the officer
40 reasonably believes that the person will not be
apprehended unless immediately arrested;

42 (9) A violation of a condition of probation when
44 requested by a probation officer or juvenile caseworker;

46 (10) Violation of a condition of release in violation
48 of Title 15, section 1026, subsection 3; Title 15,
section 1027, subsection 3; Title 15, section 1051,
subsection 2; and Title 15, section 1092;

- 2 (11) Theft involving a detention under Title 17,
section 3521;
- 4 (12) Harassment, as set forth in section 506-A;
- 6 (13) Violation of a protection order, as specified in
8 Title 5, section 4659, subsection 2; Title 15, section
321, subsection 6; former Title 19, section 769,
10 subsection 2; former Title 19, section 770, subsection
5; Title 19-A, section 4011, subsection 3; and Title
12 19-A, section 4012, subsection 5; or
- 14 (14) A violation of a sex offender registration
provision under Title 34-A, chapter ~~11-01-13~~ 15; and

16 **Sec. 2. 17-A MRSA §1152, sub-§2-C**, as enacted by PL 1995, c.
680, §4, is amended to read:

18 2-C. As part of a sentence, the court shall order every
20 natural person who is a convicted sex offender or sexually
22 violent predator, as defined under Title 34-A, section ~~11103~~
11203 to satisfy all requirements set forth in the Sex Offender
24 Registration and Notification Act of 1999.

26 **Sec. 3. 17-A MRSA §1204, sub-§1-C**, as amended by PL 1999, c.
437, §1, is further amended to read:

28 1-C. The court shall attach as a condition of probation
30 that the ~~convicted sex offender, as defined under Title 34-A,~~
~~section 11103, satisfy all responsibilities set forth in Title~~
32 ~~34-A, chapter 13, the Sex Offender Registration and Notification~~
~~Act and that the convicted sex offender,~~ as defined under Title
34 34-A, section 11203, subsection 5, or the convicted sexually
36 violent predator, as defined under Title 34-A, section 11203,
subsection 8, satisfy all responsibilities set forth in Title
38 34-A, chapter 15, the Sex Offender Registration and Notification
Act of 1999.

40 **Sec. 4. 34-A MRSA cc. 11 and 13**, as amended, are repealed.

42 **Sec. 5. 34-A MRSA §11202**, as enacted by PL 1999, c. 437, §2,
is amended to read:

44 **§11202. Application**

46 This chapter applies to a person sentenced as a sex offender
48 or a sexually violent predator before, on or after the effective
date of this chapter.

2 **Sec. 6. 34-A MRSA §11203, sub-§§1-A, 1-B and 4-A** are enacted to
read:

4 **1-A. Conditional release.** "Conditional release" means
supervised release of a sex offender or sexually violent predator
6 from institutional confinement for placement on probation,
parole, intensive supervision, supervised community confinement,
8 home release monitoring or release under Title 15, section 104-A
or Title 17-A, chapter 50.

10 **1-B. Discharge.** "Discharge" means unconditional release
12 and discharge of a sex offender or sexually violent predator from
institutional confinement upon the expiration of a sentence or
14 upon discharge under Title 15, section 104-A.

16 **4-A. Risk assessment instrument.** "Risk assessment
instrument" means an instrument created and modified as necessary
18 by reviewing and analyzing precursors to a sex offense, victim
populations of a sex offender or sexually violent predator,
20 living conditions and environment of a sex offender or sexually
violent predator and other factors predisposing a person to
22 become a sex offender, repeat sex offender or sexually violent
predator, for the ongoing purpose of identifying risk factors
24 used to provide notification of a sex offender's or sexually
violent predator's conditional release or discharge from a state
26 correctional facility to law enforcement agencies and to the
public.

28 **Sec. 7. 34-A MRSA §11225, sub-§1,** as enacted by PL 1999, c.
30 437, §2, is amended to read:

32 **1. Sex offender.** A sex offender shall register for a
34 ~~period of 10 years from the initial date of registration pursuant~~
~~to this chapter, except that a sex offender required to register~~
36 ~~because the sex offender established a domicile in this State~~
~~subsequent to being declared a sex offender in another state or~~
38 ~~under another jurisdiction shall register for a maximum of 10~~
~~years from the date when the sex offender was first required to~~
40 ~~register in the other state or under another jurisdiction~~ the
duration of the sex offender's life.

42 **Sec. 8. 34-A MRSA §11251,** as enacted by PL 1999, c. 437, §2,
is repealed.

44 **Sec. 9. 34-A MRSA §§11251-A to 11251-D** are enacted to read:

46 **§11251-A. Risk assessment**

48 The department shall establish and apply a risk assessment
50 instrument to each sex offender and sexually violent predator

2 under its jurisdiction for the purpose of notification to law
3 enforcement agencies and to the public.

4 **§11251-B. Mandatory notification of conditional release or**
5 **discharge of sex offenders and sexually violent**
6 **predator**

7 The department and the Department of Public Safety, State
8 Bureau of Identification are governed by the following notice
9 provisions when a sex offender or sexually violent predator is
10 conditionally released or discharged.

11 1. Duties of the department. The department shall give the
12 Department of Public Safety, State Bureau of Identification
13 notice of the following:

14 A. The address where the sex offender or sexually violent
15 predator will reside;

16 B. The address where the sex offender or sexually violent
17 predator will work, if applicable;

18 C. The geographic area to which a sex offender's or
19 sexually violent predator's conditional release is limited,
20 if any; and

21 D. The status of the sex offender or sexually violent
22 predator when released as determined by the risk assessment
23 instrument, the offender's or predator's risk assessment
24 score, a copy of the risk assessment instrument and
25 applicable contact standards for the offender or predator.

26 2. Duties of Department of Public Safety, State Bureau of
27 Identification. Upon receipt of the information concerning the
28 conditional release or discharge of a sex offender or sexually
29 violent predator pursuant to subsection 1, the Department of
30 Public Safety, State Bureau of Identification shall forward the
31 information required in subsection 1 to all law enforcement
32 agencies that have jurisdiction in those areas where the sex
33 offender may reside or work.

34 **§11251-C. Public notification**

35 1. Department. Upon the conditional release or discharge
36 of a sex offender or sexually violent predator from a state
37 correctional institution, the department shall give notice of the
38 information required under section 11251-B, subsection 1 to
39 members of the public who the department determines appropriate
40 to ensure public safety.

