

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 876

H.P. 653

House of Representatives, February 20, 2003

An Act To Make Changes to the Sex Offender Notification Provisions

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative O'BRIEN of Augusta.
Cosponsored by Senator GAGNON of Kennebec and
Representatives: CANAVAN of Waterville, CRAVEN of Lewiston, LERMAN of Augusta,
NUTTING of Oakland.

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

4 **Sec. 1. 34-A MRSA §11254**, as enacted by PL 2001, c. 439, Pt.
000, §15, is amended to read:

6 **§11254. Mandatory notification of conditional release or**
8 **discharge of sex offenders**

10 The department, county jails, state mental health institutes
and the Department of Public Safety, State Bureau of
12 Identification are governed by the following notice provisions
when a sex offender or sexually violent predator is conditionally
released or discharged.

14 **1. Duties of the department; county jail; state mental**
16 **health institute.** The department or the county jail or state
18 mental health institute conditionally releasing or discharging a
20 sex offender or sexually violent predator shall give the
Department of Public Safety, State Bureau of Identification and
22 all law enforcement agencies that have jurisdiction in those
areas where that sex offender or sexually violent predator may
reside, work or attend college or school notice of the following:

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

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

30 B-1. The address where the sex offender or sexually violent
predator will attend college or school, if applicable;

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

36 D. The status of the sex offender or sexually violent
38 predator when released as determined by the risk assessment
instrument, the offender's or predator's risk assessment
40 score, a copy of the risk assessment instrument and
applicable contact standards for the offender or predator.

42 ~~**2. Duties of the Department of Public Safety, State Bureau**~~
44 ~~**of Identification.**~~ ~~Upon receipt of the information concerning~~
46 ~~the conditional release or discharge of a sex offender or~~
~~sexually violent predator pursuant to subsection 1, the~~
48 ~~Department of Public Safety, State Bureau of Identification shall~~
~~forward the information in subsection 1 to all law enforcement~~
50 ~~agencies that have jurisdiction in those areas where the sex~~
~~offender or sexually violent predator may reside or work.~~

2 **Sec. 2. 34-A MRSA §11255, sub-§1,** as enacted by PL 2001, c.
439, Pt. 000, §15, is amended to read:

4 **1. Department; county jail; state mental health institute.**

6 Upon the conditional release or discharge of a sex offender or
sexually violent predator from a state correctional institution,
8 county jail or state mental health institute, the department
releasing or discharging entity shall give notice of the
10 information under section 11254, subsection 1 to members of the
public the department releasing or discharging entity determines
12 appropriate to ensure public safety.

14 **SUMMARY**

16 This bill amends the notification provisions of the Sex
18 Offender Registration and Notification Act of 1999 as follows.

20 1. It includes county jails and state mental health
institutes with the Department of Corrections as required parties
22 to give notice of conditional release or discharge of a sex
offender or sexually violent predator to the Department of Public
24 Safety, State Bureau of Identification and all law enforcement
agencies that have jurisdiction in those areas where the sex
26 offender or sexually violent predator may reside, work or attend
college or school if the sex offender or sexually violent
28 predator is being conditionally released or discharged from a
county jail or state mental health institute.

30 2. It also includes county jails and state mental health
32 institutes with the Department of Corrections as entities
required to give notice of conditional release or discharge of a
34 sex offender or sexually violent predator from a county jail or
state mental health institute to members of the public the county
36 jail or state mental health institute determine appropriate to
ensure public safety.