

# MAINE STATE LEGISLATURE

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*m*  
R. of S.

L.D. 1514

DATE: 5-16-03

(Filing No. H-420)

**MAJORITY**  
**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE**  
**HOUSE OF REPRESENTATIVES**  
**121ST LEGISLATURE**  
**FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1107, L.D. 1514, Bill, "An Act To Amend the Sex Offender Registration and Notification Laws"

Amend the bill by inserting after the title and before the enacting clause the following:

**'Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill by inserting before section 1 the following:

**'Sec. 1. 34-A MRSA §11203, sub-§5,** as enacted by PL 1999, c. 437, §2, is amended to read:

**5. Sex offender.** "Sex offender" means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult of a sex offense.'

Further amend the bill by inserting after section 1 the following:

**'Sec. 2. 34-A MRSA §11203, sub-§8,** as amended by PL 2001, c. 439, Pt. 000, §10, is further amended to read:

**8. Sexually violent predator.** "Sexually violent predator" means a person who is an adult convicted and sentenced or a

**COMMITTEE AMENDMENT**

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COMMITTEE AMENDMENT "A" to H.P. 1107, L.D. 1514

juvenile convicted and sentenced as an adult of a:

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4 A. Sexually violent offense; or

6 B. Sex offense when the person has a prior conviction for  
8 or an attempt to commit an offense that includes the  
essential elements of a sex offense or sexually violent  
offense.'

10 Further amend the bill by inserting after section 5 the  
following:

12 'Sec. 6. 34-A MRSA §11222, sub-§1, as enacted by PL 1999, c.  
14 437, §2, is amended to read:

16 1. **Determination by court.** The court shall determine at  
18 the time of ~~conviction~~ sentencing if a defendant is a sex  
offender or a sexually violent predator. A person who the court  
20 determines is a sex offender or a sexually violent predator shall  
register according to this subchapter.'

22 Further amend the bill in section 8 in that part designated  
24 "**§11223.**" in the first paragraph in the 4th line (page 3, line 36  
in L.D.) by inserting after the following: "convicted" the  
following: 'and sentenced'

26 Further amend the bill in section 8 in that part designated  
28 "**§11224.**" in the first paragraph in the 4th line (page 4, line 4  
in L.D.) by inserting after the following: "convicted" the  
30 following: 'and sentenced'

32 Further amend the bill by inserting after section 8 the  
following:

34 'Sec. 9. 34-A MRSA §11228 is enacted to read:

36 **§11228. Certification by record custodian**

38 Notwithstanding any other law or rule of evidence, a  
40 certificate by the custodian of the records of the bureau, when  
42 signed and sworn to by that custodian, is admissible in a  
44 judicial or administrative proceeding as prima facie evidence of  
any fact stated in the certificate or in any documents attached  
to the certificate.'

46 Further amend the bill by relettering or renumbering any  
48 nonconsecutive Part letter or section number to read  
consecutively.

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COMMITTEE AMENDMENT "A" to H.P. 1107, L.D. 1514

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## SUMMARY

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This amendment is the majority report. The amendment addresses an evidentiary issue by creating a provision that is similar to that authorizing the Secretary of State to use computer transcripts as evidence. This amendment specifies that a signed and sworn certificate by the custodian of the records of the Department of Public Safety, Bureau of State Police, State Bureau of Identification is admissible in a judicial or administrative proceeding as prima facie evidence of any fact stated in the certificate or in any documents attached to the certificate. This change eliminates the need to bring the custodian of the records to the court. The amendment also clarifies that a court determines at the time of sentencing whether a person is a sex offender or sexually violent predator. The amendment also adds a mandate preamble to the bill.

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**FISCAL NOTE REQUIRED**  
(See attached)

# COMMITTEE AMENDMENT

121st Maine Legislature  
Office of Fiscal and Program Review



**LD 1514**

**An Act to Amend the Sex Offender Registration and Notification Laws**

**LR 2001(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

**Fiscal Note**

Exempt State Mandate

**State Mandate**

**New or Expanded Activity**

This bill requires county jails to provide notification to the Department of Public Safety, State Bureau of Identification, of a sex offender's or sexually violent predator's conditional release or discharge from their facility. The additional costs of the state mandate are expected to be minor. Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the state from the constitutional requirement to fund 90% of the additional local costs.

**Unit Affected**

County

**Costs**

Insignificant