

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1514

H.P. 1107

House of Representatives, April 2, 2003

An Act To Amend the Sex Offender Registration and Notification Laws

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
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 CARPENTER of York.

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

2
4 **Sec. 1. 34-A MRSA §11203, sub-§6, ¶A,** as enacted by PL 1999, c. 437, §2, is amended to read:

6 A. A violation under Title 17, section 2922, 2923 or 2924;

8 **Sec. 2. 34-A MRSA §11221, sub-§1, ¶B,** as enacted by PL 1999, c. 437, §2, is amended to read:

10 B. Place of employment ~~or~~ and college or school being
12 attended, if applicable, and the corresponding address and
14 location;

16 **Sec. 3. 34-A MRSA §11221, sub-§5,** as enacted by PL 1999, c. 437, §2, is repealed.

18 **Sec. 4. 34-A MRSA §11221, sub-§6,** as enacted by PL 1999, c. 437, §2, is repealed and the following enacted in its place:

20 6. Distribution of information to department and law
22 enforcement agencies. The bureau shall distribute information
24 described in subsection 1 to the department and law enforcement
26 agencies having jurisdiction over the address and location of the
sex offender's or sexually violent predator's domicile, place of
employment and college or school being attended.

28 **Sec. 5. 34-A MRSA §11221, sub-§§8 to 10** are enacted to read:

30 8. Criminal justice agency access to information. The
32 bureau shall provide access to the information described in
34 subsection 1 to criminal justice agencies. For purposes of this
subsection, "criminal justice agency" has the same meaning as in
Title 16, section 611, subsection 4.

36 9. Public access to information. The bureau shall provide
information to the public as follows.

38 A. The bureau shall post on the Internet for public
40 inspection the following information concerning a sex
42 offender or sexually violent predator:

44 (1) The sex offender's or sexually violent predator's
name, date of birth and photograph;

46 (2) The sex offender's or sexually violent predator's
48 city or town of domicile;

2 (3) The sex offender's or sexually violent predator's
4 place of employment and college or school being
 attended, if applicable, and the corresponding address
 and location; and

6 (4) The statutory citation and name of the offense for
8 which the sex offender or sexually violent predator was
 convicted.

10 B. Upon receiving a written request that includes the name
12 and date of birth of a sex offender or sexually violent
14 predator, the bureau shall provide the following information
 concerning a sex offender or sexually violet predator to the
 requestor:

16 (1) The sex offender's or sexually violent predator's
18 name, aliases, date of birth, sex, race, height,
 weight, eye color, mailing address and home address or
20 domicile;

22 (2) The sex offender's or sexually violent predator's
 place of employment and college or school being
24 attended, if applicable, and the corresponding address
 and location;

26 (3) A description of the offense for which the sex
28 offender or sexually violent predator was convicted,
 the date of conviction and the sentence imposed; and

30 (4) The sex offender's or sexually violent predator's
32 photograph.

34 10. Sex offender or sexually violent predator access to
 information. Pursuant to Title 16, section 620, the bureau shall
36 provide all information described in subsection 1 to a sex
 offender or sexually violent predator who requests that person's
 own information.

38 **Sec. 6. 34-A MRSA §11222, sub-§2, ¶B,** as enacted by PL 1999,
40 c. 437, §2, is amended to read:

42 B. Inform the sex offender or sexually violent predator
 that if the sex offender or sexually violent predator
44 changes domicile, place of employment or college or school
 being attended, the sex offender or sexually violent
46 predator shall give the new address to the bureau in writing
 within 10 days;

48 **Sec. 7. 34-A MRSA §11222, sub-§5,** as enacted by PL 1999, c.
50 437, §2, is amended to read:

2 **5. Change of domicile, place of employment or college or**
3 **school being attended.** A sex offender or sexually violent
4 predator shall notify the bureau in writing of a change of
5 domicile, place of employment or college or school being attended
6 within 10 days after establishing that domicile change.

8 A. If the sex offender or sexually violent predator
9 establishes a new domicile, place of employment or college
10 or school being attended in the State, the bureau shall
11 notify, within 3 days, both the law enforcement agency
12 having jurisdiction where the sex offender or sexually
13 violent predator was formerly domiciled, employed or
14 enrolled and the law enforcement agency having jurisdiction
15 where the sex offender or sexually violent predator is
16 currently domiciled, employed or enrolled.

18 B. If the sex offender or sexually violent predator
19 establishes a domicile, place of employment or college or
20 school being attended in another state, the bureau shall
21 notify, within 3 days, the law enforcement agency having
22 jurisdiction where the sex offender or sexually violent
23 predator was formerly domiciled, employed or enrolled and
24 the law enforcement agency having jurisdiction where the sex
25 offender or sexually violent predator is currently
26 domiciled, employed or enrolled.

28 **Sec. 8. 34-A MRSA §§11223 and 11224**, as enacted by PL 1999,
29 c. 437, §2, are amended to read:

30 **§11223. Duty of person establishing domicile to register**

32 A person required under another jurisdiction to register as
33 ~~a sex offender or sexually violent predator~~, pursuant to that
34 jurisdiction's sex offender registration statute or who is
35 convicted of a ~~similar~~ sex offense or sexually violent offense in
36 ~~another jurisdiction~~, that would require registration in this
37 State shall register as a sex offender or sexually violent
38 predator within 10 days of establishing domicile in this State.
39 The person shall contact the bureau, which shall provide the
40 person with the registration form and direct the person to take
41 the form and a photograph of the person to the law enforcement
42 agency having jurisdiction. The law enforcement agency shall
43 supervise the completion of the form, take the person's
44 fingerprints and immediately forward the form, photograph and
45 fingerprints to the bureau.
46

48 **§11224. Duty of person employed or attending college or school to**
49 **register**

2 A person who is required under another jurisdiction to
3 register ~~as a sex offender or sexually violent predator~~ pursuant
4 to that jurisdiction's sex offender registration statute because
5 the person is domiciled in another state or who is convicted of a
6 similar sex offense or sexually violent offense in another
7 jurisdiction the would require registration in this State shall
8 register as a sex offender within 10 days of beginning full-time
9 or part-time employment, with or without compensation, for more
10 than 14 consecutive days or for an aggregate period exceeding 30
11 days in a calendar year or beginning college or school on a
12 full-time or part-time basis in this State. The person shall
13 contact the bureau, which shall provide the person with a
14 registration form and direct the person to take the form and a
15 photograph of the person to the law enforcement agency having
16 jurisdiction. The law enforcement agency shall supervise the
17 completion of the form, take the person's fingerprints and
18 immediately forward the form, photograph and fingerprints to the
19 bureau.

20 **Sec. 9. 34-A MRSA §11254**, as enacted by PL 2001, c. 439, Pt.
21 000, §15, is amended to read:

22 **§11254. Mandatory notification of conditional release or**
23 **discharge of sex offenders**

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

29 **1. Duties.** The department, a county jail or a state mental
30 health institute shall give the Department of Public Safety,
31 State Bureau of Identification notice of the following:

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

34 B. The address where the sex offender or sexually violent
35 predator will work and attend college or school, if
36 applicable;

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

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

2 **2. Duties of the Department of Public Safety, State Bureau**
3 **of Identification.** Upon receipt of the information concerning
4 the conditional release or discharge of a sex offender or
5 sexually violent predator pursuant to subsection 1, the
6 Department of Public Safety, State Bureau of Identification shall
7 forward the information in subsection 1 to all law enforcement
8 agencies that have jurisdiction in those areas where the sex
9 offender or sexually violent predator may reside ~~ex~~, work or
10 attend college or school.

12
14

SUMMARY

16 This bill makes several changes to the sex offender
17 registration and notification laws. Specifically, the bill does
18 the following.

19 1. It expands the definition of "sex offense" to include 2
20 crimes regarding sexual exploitation of minors. The crimes of
21 dissemination of sexually explicit materials and possession of
22 sexually explicit materials are added to the definition of "sex
23 offense."

24

25 2. It repeals a provision of law that requires the
26 Department of Public Safety, State Bureau of Identification to
27 maintain a directory of sexually violent predators. This
28 provision is redundant, since the Maine Revised Statutes, Title
29 34-A, section 11221, subsection 1 requires the bureau to maintain
30 a registry of all persons required to register under the chapter.

32

33 3. It clarifies the process for distribution of sex
34 offender and sexually violent predator registration information
35 to the Department of Corrections and law enforcement agencies and
36 clarifies what access to that information the public and sex
37 offenders or sexually violent predators have.

38

39 4. It clarifies that a sex offender or sexually violent
40 predator shall notify the Department of Public Safety, State
41 Bureau of Identification in writing when that person's place of
42 employment or college or school changes, as a sex offender or
43 sexually violent predator is required to do for a change in
44 domicile.

46

47 5. Since every state does not use the terms "sex offender"
48 and "sexually violent predator," this bill specifies that a
person required under another jurisdiction to register pursuant
to that jurisdiction's registration statute shall register in

2 this State when establishing domicile here or when employed or
attending school here.

4 6. It adds county jails and state mental health institutes
6 to the list of entities required to provide notification to the
8 Department of Public Safety, State Bureau of Identification of a
sex offender's or sexually violent predator's conditional release
or discharge from that entity's facility.

10