

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 45

H.P. 43

House of Representatives, January 9, 2007

An Act To Place Lifetime Restraining Orders on Violent Sex Offenders and Predatory Sex Offenders

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JACOBSEN of Waterboro.
Cosponsored by Senator COURTNEY of York and
Representatives: CAMPBELL of Newfield, CEBRA of Naples, DUPREY of Hampden,
LEWIN of Eliot, McLEOD of Lee, NASS of Acton, ROBINSON of Raymond, Senator: NASS
of York.

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

2 **Sec. 1. 17-A MRSA §261** is enacted to read:

3 **§261. Standing criminal restraining order**

4 1. As part of the sentence for a violation of section 253, or for a violation of this
5 chapter when a person, having in fact attained 18 years of age, violates this chapter and
6 the victim has not in fact attained 12 years of age at the time of the crime, the court may
7 issue a standing criminal restraining order under this section.

8 2. The standing criminal restraining order takes effect when the person is released
9 from confinement.

10 3. The standing criminal restraining order may include, but is not limited to,
11 enjoining the person from:

12 A. Residing within 10 miles of the victim's residence; and

13 B. Residing within 10 miles of where the offense was committed.

14 4. A standing criminal restraining order remains in effect until modified or revoked
15 by the court for good cause shown.

16 5. Violation of a standing criminal restraining order is a Class D crime.

17 6. The standing criminal restraining order must contain the following language:
18 "This order remains in effect until modified or revoked by the court for good cause
19 shown. In accordance with the Maine Revised Statutes, Title 17-A, section 261, violation
20 of a standing criminal restraining order is a Class D crime."

21

SUMMARY

22 This bill establishes the authority of the court to issue a standing criminal restraining
23 order that applies to persons convicted of certain sex offenses. The standing criminal
24 restraining order takes effect when the defendant is released from confinement and
25 continues until modified or revoked by the court for good cause shown. The order may
26 include, but is not limited to, enjoining the defendant from residing within 10 miles of the
27 victim's residence or within 10 miles of where the offense occurred. Violation of the
28 order is a Class D crime.

29 The standing criminal restraining order is available to the court for gross sexual
30 assault crimes as well as any sexual assaults in which the actor is at least 18 years of age
31 and the victim is under 12.