

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 351

H.P. 281

House of Representatives, January 25, 2007

An Act To Allow Municipalities To Designate Safe Zones To Protect Children from 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 RICHARDSON of Warren.
Cosponsored by Representatives: FITTS of Pittsfield, FLOOD of Winthrop.

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

2 **Sec. 1. 17-A MRSA §251, sub-§1, ¶F**, as enacted by PL 1997, c. 768, §1, is
3 amended to read:

4 F. "Safe children zone" means on or within 1,000 feet of the real property
5 comprising a public or private elementary or secondary school or on or within 1,000
6 feet of the real property comprising a day care center licensed pursuant to Title 22,
7 section 8301-A or on or within any area designated as a safe zone by a municipality
8 pursuant to Title 30-A, section 3253.

9 **Sec. 2. 17-A MRSA §253, sub-§7**, as enacted by PL 1997, c. 768, §2, is repealed.

10 **Sec. 3. 17-A MRSA §261** is enacted to read:

11 **§261. Aggravating sentencing factor**

12 If the State pleads and proves that a violation of any provision of this chapter was
13 committed in a safe children zone, the court, in determining the appropriate sentence,
14 shall treat this as an aggravating sentencing factor.

15 **Sec. 4. 17-A MRSA §281, sub-§3-A** is enacted to read:

16 **3-A. Safe children zone.** "Safe children zone" means on or within 1,000 feet of the
17 real property comprising a public or private elementary or secondary school or on or
18 within 1,000 feet of the real property comprising a day care center licensed pursuant to
19 Title 22, section 8301-A or on or within any area designated as a safe zone by a
20 municipality pursuant to Title 30-A, section 3253.

21 **Sec. 5. 17-A MRSA §286** is enacted to read:

22 **§286. Aggravating sentencing factor**

23 If the State pleads and proves that a violation of any provision of this chapter was
24 committed in a safe children zone, the court, in determining the appropriate sentence,
25 shall treat this as an aggravating sentencing factor.

26 **Sec. 6. 30-A MRSA §3253**, as enacted by PL 2005, c. 415, §5, is amended to
27 read:

28 **§3253. Safe zones designated by municipality**

29 A municipality ~~may~~ shall designate an area of the municipality that is frequented by
30 minors as a safe zone under Title 17-A, section 1101, subsection 23, relating to drug
31 offenses, or under Title 17-A, section 251, subsection 1, paragraph F or section 281,
32 subsection 3-A, relating to sexual offenses. A municipality may designate the same area
33 or different areas for the purposes of protecting minors from drug-related offenses and
34 sexual offenses. A safe zone designated pursuant to this section must be conspicuously
35 marked by the municipality with an informational sign using wording provided by the
36 Commissioner of Public Safety.

1

SUMMARY

2 This bill requires municipalities to designate safe zones to protect minors from sexual
3 offenses and from drug-related offenses. The bill requires courts to treat the commission
4 of a sexual offense within a designated safe children zone, including a municipally
5 created safe zone, as an aggravating sentencing factor.