

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1491

S.P. 518

March 19, 2007

### **An Act To Create Child Safe Zones and To Increase the Use of Electronic Monitoring of High-risk Sex Offenders**

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

A handwritten signature in black ink, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.  
Cosponsored by Representative GERZOFKY of Brunswick and  
Senator: McCORMICK of Kennebec, Representatives: HANLEY of Gardiner, SILSBY of  
Augusta.

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

2             **Sec. 1. 17-A MRSA §2, sub-§3-B** is enacted to read:

3             **3-B.** "Another jurisdiction" means the Federal Government, the United States  
4 military, the District of Columbia, the Commonwealth of Puerto Rico, the  
5 Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam,  
6 American Samoa and each of the several states except Maine. "Another jurisdiction" also  
7 means the Passamaquoddy Tribe when that tribe has acted pursuant to Title 30, section  
8 6209-A, subsection 1, paragraphs A or B and the Penobscot Nation when that tribe has  
9 acted pursuant to Title 30, section 6209-B, subsection 1, paragraphs A or B.

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

11            **§261. Loitering in child safe zone**

12            **1.** A person is guilty of loitering in a child safe zone if the person has been  
13 previously convicted of committing a crime under chapter 11 or chapter 12 against a  
14 person who has not attained 14 years of age or previously convicted in another  
15 jurisdiction for conduct substantially similar to that contained in chapter 11 or chapter 12  
16 and that person enters, works in, loiters at or remains in a child safe zone. A person who  
17 violates this section commits a Class D crime.

18            **2.** A person described in subsection 1 may enter a child safe zone only:

19            A. For activities involving that person's own child and only with advance notice and  
20 approval from those in charge of the location;

21            B. If the person was working within the child safe zone on the effective date of this  
22 section, if the person's place of employment is within a child safe zone solely because  
23 a school is relocated or if the person only intermittently or sporadically enters a child  
24 safe zone for the purpose of work; and

25            C. If the person is in or going immediately to or from: a probation office; premises at  
26 which the person is participating in a program, activity or treatment required as a  
27 condition of probation or release; a community residential facility in which the  
28 person is required to reside as a condition of probation or release; a private residence  
29 in which the person is required to reside as a condition of probation or release or a  
30 residence where the person was residing on the effective date of this section; a  
31 hospital or other medical care or mental health facility where the person is a patient;  
32 or a correctional facility in which the person is a client.

33            **3.** For purposes of this section, "child safe zone" means on or within 200 feet of:

34            A. The real property comprising a public or private elementary or secondary school;

35            B. The real property comprising a child care center, a child care facility, a day care  
36 operated by a family child care provider, a nursery school or a small child care  
37 facility as defined under Title 22, section 8301-A; or

C. An athletic field, park, playground or recreational facility or other place where children typically gather.

**Sec. 3. 17-A MRSA §1204, sub-§1-D is enacted to read:**

**1-D. The court shall attach as a condition of probation for a person convicted of an offense under chapter 11 or chapter 12 whom the Department of Corrections has identified as a high-risk offender that the person be monitored by the best available monitoring technology for the duration of the probation.**

## SUMMARY

This bill creates a new Class D crime of loitering in a child safe zone. A person who has been previously convicted of committing a crime under the Maine Revised Statutes, Title 17-A, chapter 11 or chapter 12 against a person who has not attained 14 years of age or a person who has been convicted in another jurisdiction for committing conduct substantially similar to that contained in chapter 11 or chapter 12 may not enter, work in, loiter at or remain in a child safe zone. "Child safe zone" means on or within 200 feet of the real property comprising a public or private elementary or secondary school; the real property comprising a child care center, a child care facility, a day care operated by a family child care provider, a nursery school or a small child care facility; or an athletic field, park, playground or recreational facility or other place where children typically gather. A person who has been previously convicted of committing a crime under Title 17-A, chapter 11 or chapter 12 against a person who has not attained 14 years of age or a person who has been convicted in another jurisdiction for committing conduct substantially similar to that contained in chapter 11 or chapter 12 may enter a child safe zone only in specific limited circumstances.

The bill also requires the court to attach as a condition of probation for a person convicted of a chapter 11 or chapter 12 offense whom the Department of Corrections has identified as a high-risk offender that the person be monitored by the best available monitoring technology for the duration of the probation.