

# MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
SENATE
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 429, L.D. 1157, Bill, "An Act To Improve the Use of Information Regarding Sex Offenders"

Amend the bill in Part B by striking out all of section 2 and inserting the following:

'Sec. B-2. 34-A MRSA §11202, as repealed and replaced by PL 2005, c. 423, §1, is further amended to read:

§11202. Application

This Unless excepted under section 11202-A, this chapter applies to:

1. Maine. A person sentenced in this State on or after January 1, 1982 for a sex offense or a sexually violent offense as an adult or as a juvenile sentenced as an adult; and

2. Other jurisdictions. A person sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult:

A. At any time of an offense that requires registration in the jurisdiction of conviction pursuant to that jurisdiction's sex offender registration laws or that would have required registration had the person remained there; or

B. On or after January 1, 1982, of an offense that contains the essential elements of a sex offense or sexually violent offense; or

C. At any time for a military, tribal or federal offense requiring registration pursuant to:

(1) The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, as amended; or

(2) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248.



1 person sentenced on or after January 1, 1982 and prior to June 30, 1992 is not required to  
2 register if that person submits to the Department of Public Safety, State Bureau of  
3 Identification, in a form to be determined by the bureau, documentation to establish the  
4 following: the person was finally discharged from the correctional system prior to  
5 September 1, 1998; the person's convictions do not include more than one Class A sex  
6 offense or sexually violent offense or more than one conviction in another jurisdiction for  
7 an offense that contains the essential elements of a Class A sex offense or sexually  
8 violent offense, whether or not the convictions occurred on the same date; at the time of  
9 the offense, the person had not been previously sentenced in this State as an adult or as a  
10 juvenile sentenced as an adult for a sex offense or a sexually violent offense; at the time  
11 of the offense, the person had not been previously sentenced in another jurisdiction as an  
12 adult or as a juvenile sentenced as an adult for an offense that contains the essential  
13 elements of a sex offense or a sexually violent offense; subsequent to the commission of  
14 the offense, the person has not been convicted of a crime under the Maine Revised  
15 Statutes, Title 17 or Title 17-A in this State that is punishable by imprisonment for a term  
16 of one year or more; and, subsequent to the commission of the offense, the person has not  
17 been convicted under the laws of any other jurisdiction of a crime that is punishable by a  
18 term of imprisonment exceeding one year. This requirement does not include a crime  
19 under the laws of another jurisdiction that is classified by the laws of that jurisdiction as a  
20 misdemeanor and is punishable by a term of imprisonment of 2 years or less.

21 The amendment specifies that a person's duty to register continues until the bureau  
22 determines that documentation meets the requirements and any rules adopted by the  
23 bureau, and a person who submits documentation is responsible for the costs of any  
24 criminal history record checks required.

25 Finally, the registration obligation of a person sentenced on or after January 1, 1982  
26 and prior to June 30, 1992 that is discharged pursuant to this amendment is restored by  
27 any subsequent conviction for a crime under Title 17 or Title 17-A in this State that is  
28 punishable by imprisonment for a term of one year or more or a subsequent conviction  
29 under the laws of any other jurisdiction of a crime that is punishable by a term of  
30 imprisonment exceeding one year.

31 **FISCAL NOTE REQUIRED**

32 (See attached)



# 124th MAINE LEGISLATURE

LD 1157

LR 1149(02)

## An Act To Improve the Use of Information Regarding Sex Offenders

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

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

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### Fiscal Note

Minor savings - General Fund  
Minor revenue decrease - General Fund

#### Correctional and Judicial Impact Statements

Insignificant reduction in Class C, D and E crimes; decreases correctional and judicial costs.  
A reduction in fines will decrease General Fund revenue by minor amounts.

#### Fiscal Detail and Notes

Additional costs to the Department of Public Safety associated with processing exceptions to the sex offender registration requirements can be absorbed within existing budgeted resources.