

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 257

H.P. 210

House of Representatives, February 1, 2011

An Act To Protect Children in Public Schools by Changing Notification Requirements Regarding Sex Offenders

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CEBRA of Naples.

Cosponsored by Representatives: BURNS of Whiting, CRAY of Palmyra, GIFFORD of Lincoln, McCLELLAN of Raymond, PLUMMER of Windham, SARTY of Denmark.

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

2 **Sec. 1. 15 MRSA §3308, sub-§7, ¶D**, as amended by PL 1997, c. 752, §15 and
3 PL 2003, c. 689, Pt. B, §6, is further amended to read:

4 D. When a juvenile who is adjudicated of a juvenile crime that if committed by an
5 adult would be gross sexual assault under Title 17-A, section 253, subsection 1 is
6 committed to a Department of Corrections juvenile correctional facility or placed on
7 probation, the Department of Corrections shall provide, while the juvenile is
8 committed or on probation, a copy of the juvenile's judgment and commitment to the
9 Department of Health and Human Services, to all law enforcement agencies that have
10 jurisdiction in those areas where the juvenile may reside, work or attend school and to
11 the superintendent of any school system in which the juvenile attends school during
12 the period of commitment or probation. The Department of Corrections shall provide
13 a copy of the juvenile's judgment and commitment to all licensed and registered day-
14 care facility operators located in the municipality where the juvenile resides, works or
15 attends school during the period of commitment or probation. Upon request, the
16 Department of Corrections shall also provide a copy of the juvenile's judgment and
17 commitment to other entities that are involved in the care of children and are located
18 in the municipality where the juvenile resides, works or attends school during the
19 period of commitment or probation. The Department of Corrections may provide a
20 copy of the juvenile's judgment and commitment to any other agency or person whom
21 the Department of Corrections determines is appropriate to ensure public safety.
22 Neither the failure of the Department of Corrections to perform the requirements of
23 this paragraph nor compliance with this paragraph subjects the Department of
24 Corrections or its employees to liability in a civil action.

25 Notwithstanding any confidentiality provisions in this chapter or in Title 20-A,
26 section 1055, a superintendent who receives information pursuant to Title 34-A,
27 section 11255, subsection 2 regarding a student who has been adjudicated of a
28 juvenile crime that if committed by an adult would be gross sexual assault under Title
29 17-A, section 253, subsection 1 shall provide notice of the adjudication to all parents
30 and guardians of students who are enrolled at the same school as that adjudicated
31 juvenile, only if the juvenile was tried as an adult.

32 **Sec. 2. 20-A MRSA §1055, sub-§13** is enacted to read:

33 **13. Notification to parents and guardians.** Notwithstanding the confidentiality
34 provisions of this section, the superintendent, pursuant to Title 15, section 3308,
35 subsection 7, paragraph D, shall notify all parents and guardians of students enrolled in a
36 school of the adjudication of any juvenile who is enrolled in that school and whose
37 adjudication is for a juvenile crime that if committed by an adult would be gross sexual
38 assault under Title 17-A, section 253, subsection 1.

39 **Sec. 3. 34-A MRSA §11255, sub-§2**, as amended by PL 2003, c. 711, Pt. C, §28
40 and affected by Pt. D, §2, is further amended to read:

41 **2. Law enforcement agencies.** Upon receipt of the information concerning the
42 conditional release or discharge of a registrant pursuant to section 11254, subsection 2, a

1 law enforcement agency shall notify members of a municipality that the law enforcement
2 agency determines appropriate to ensure public safety. A law enforcement agency shall
3 notify the superintendent of a school district where the registrant is residing, working or
4 attending school. The law enforcement agency shall notify the superintendent of all
5 information under section 11254, subsection 1. Notwithstanding the confidentiality
6 provisions of Title 20-A, section 1055, upon receipt of that information, the
7 superintendent shall provide that information to all teachers and other school personnel.

8

SUMMARY

9 This bill expands notification requirements regarding persons convicted of sex
10 offenses. The bill requires that a law enforcement agency notify the superintendent of a
11 school district where a registered offender is residing, working or attending school. Upon
12 receipt of that information, notwithstanding any confidentiality laws, the superintendent
13 shall provide that information to all teachers and other school personnel. The bill also
14 requires that a superintendent provide notice of the adjudication of a student for a juvenile
15 crime that if committed by an adult would be gross sexual assault to all parents and
16 guardians of students enrolled in the same school as the adjudicated juvenile, only if the
17 juvenile was tried as an adult.