

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1731

S.P. 591

In Senate, January 4, 2012

**An Act To Rescue Children Who Are Being Sexually Abused and To
Make Improvements to the Sex Offender Registry and the
Investigation of Computer Crimes**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Speaker NUTTING of Oakland and
Senators: COURTNEY of York, GERZOFSKY of Cumberland, MASON of Androscoggin,
PLOWMAN of Penobscot, Representatives: HASKELL of Portland, PLUMMER of Windham.

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

2 **PART A**

3 **Sec. A-1. 34-A MRSA c. 17** is enacted to read:

4 **CHAPTER 17**

5 **SEX OFFENDER REGISTRATION AND NOTIFICATION ACT OF 2012**

6 **SUBCHAPTER 1**

7 **GENERAL PROVISIONS**

8 **§11271. Short title**

9 This chapter may be known and cited as the "Sex Offender Registration and
10 Notification Act of 2012." The purpose of this chapter is to protect the public from
11 potentially dangerous registrants and offenders by enhancing access to information
12 concerning those registrants and offenders.

13 **§11272. Application**

14 Unless excepted under section 11273, this chapter applies to:

15 **1. Maine.** A person sentenced in this State on or after September 1, 2012 for a Tier I
16 offense, Tier II offense or Tier III offense as an adult or as a juvenile sentenced as an
17 adult; and

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

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

23 B. On or after September 1, 2012 of an offense that contains the essential elements
24 of a Tier I offense, Tier II offense or Tier III offense; or

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

27 (1) The federal Jacob Wetterling Crimes Against Children and Sexually Violent
28 Offender Registration Act, also known as the Jacob Wetterling Act, Section
29 170101 of the federal Violent Crime Control and Law Enforcement Act of 1994,
30 Public Law 103-322, as amended; or

31 (2) The federal Adam Walsh Child Protection and Safety Act of 2006, Public
32 Law 109-248, 42 United States Code, Chapter 151.

1 **§11273. Exception**

2 **1. Exception.** Notwithstanding section 11272, a person is not required to register
3 under this chapter if that person submits to the bureau, in a form to be determined by the
4 bureau, documentation to establish the following:

5 A. The person was sentenced in this State on or after September 1, 2012 and was
6 finally discharged from the correctional system at least 10 years prior to submitting
7 documentation to the bureau under this section, or the person was sentenced in
8 another jurisdiction, was finally discharged from the correctional system at least 10
9 years prior to submitting documentation to the bureau under this section and is in
10 compliance with the registration duties as a resident required under subchapter 2. For
11 purposes of this paragraph, "finally discharged from the correctional system" includes
12 completion of probation;

13 B. The person's convictions do not include more than one Class A sex offense or
14 sexually violent offense or more than one conviction in another jurisdiction for an
15 offense that contains the essential elements of a Class A sex offense or sexually
16 violent offense, whether or not the convictions occurred on the same date;

17 C. At the time of the offense, the person had not been previously sentenced in this
18 State as an adult or as a juvenile sentenced as an adult for a sex offense or a sexually
19 violent offense;

20 D. At the time of the offense, the person had not been previously sentenced in
21 another jurisdiction as an adult or as a juvenile sentenced as an adult for an offense
22 that contains the essential elements of a sex offense or a sexually violent offense;

23 E. Subsequent to the conviction for the sex offense or sexually violent offense, the
24 person has not been convicted of a sex offense or sexually violent offense in this
25 State that is punishable by imprisonment for a term of one year or more; and

26 F. Subsequent to the conviction for the sex offense or sexually violent offense, the
27 person has not been convicted under the laws of any other jurisdiction of a crime that
28 contains the essential elements of a sex offense or sexually violent offense and is
29 punishable by a term of imprisonment exceeding one year. This paragraph does not
30 include a crime under the laws of another jurisdiction that is classified by the laws of
31 that jurisdiction as a misdemeanor and is punishable by a term of imprisonment of 2
32 years or less.

33 **2. Duty continues.** A person's duty to register continues until the bureau determines
34 that the documentation meets the requirements of this section and any rules adopted by
35 the bureau.

36 **3. Costs.** A person who submits documentation under this section is responsible for
37 the costs of any criminal history record checks required.

38 **4. Restoration of registration status.** The registration obligation of a person that is
39 discharged pursuant to this section is restored by any subsequent conviction for a crime
40 described in subsection 1, paragraph E or F.

1 **5. Appeal.** A decision to deny an application for relief under this section is a final
2 agency action, which may be appealed by filing a petition for review pursuant to Title 5,
3 chapter 375, subchapter 7.

4 **6. Subsequent offenses and consideration of prior offense.** If application for relief
5 is approved and a duty to register is extinguished under this section, and the person is
6 subsequently sentenced for a new sex offense or sexually violent offense, the prior
7 offense for which the duty to register was extinguished must be counted as a prior offense
8 for the purposes of classifying the person as a lifetime registrant.

9 **§11274. Definitions**

10 As used in this chapter, unless the context otherwise indicates, the following terms
11 have the following meanings.

12 **1. Another state.** "Another state" means each of the several states except Maine and
13 includes the District of Columbia, the Commonwealth of Puerto Rico, the United States
14 Virgin Islands, Guam, American Samoa and the Northern Mariana Islands.

15 **2. Bureau.** "Bureau" means the Department of Public Safety, Bureau of State
16 Police, State Bureau of Identification.

17 **3. Conditional release.** "Conditional release" means supervised release of a
18 registrant or an offender from institutional confinement for placement on probation,
19 parole, intensive supervision, supervised release for sex offenders, supervised community
20 confinement, home release monitoring or release under Title 15, section 104-A or Title
21 17-A, chapter 54-G.

22 **4. Discharge.** "Discharge" means unconditional release and discharge of a registrant
23 from institutional confinement upon the expiration of a sentence or upon discharge under
24 Title 15, section 104-A.

25 **5. Domicile.** "Domicile" means the place where a person has that person's
26 established, fixed, permanent or ordinary dwelling place or legal residence to which,
27 whenever the person is absent, the person has the intention of returning. A person may
28 have more than one residence but only one domicile.

29 **6. FBI.** "FBI" means the Federal Bureau of Investigation.

30 **7. Jurisdiction.** "Jurisdiction" means the Federal Government, including the
31 military, this State or another state or tribe.

32 **8. Law enforcement agency having jurisdiction.** "Law enforcement agency
33 having jurisdiction" means the chief of police in the municipality where a registrant or an
34 offender expects to be or is domiciled. If the municipality does not have a chief of police,
35 "law enforcement agency having jurisdiction" means the sheriff of the county where the
36 municipality is located. "Law enforcement agency having jurisdiction" also means the
37 sheriff of the county in an unorganized territory.

1 **9. Offender.** "Offender" means a person to whom this chapter applies pursuant to
2 section 11272.

3 **10. Registrant.** "Registrant" means a Tier I registrant, Tier II registrant or Tier III
4 registrant.

5 **11. Residence.** "Residence" means that place or those places, other than a domicile,
6 in which a person may spend time living, residing or dwelling. Proof that an offender has
7 lived in the State for 14 days continuously or an aggregate of 30 days within a period of
8 one year gives rise to a permissible inference under the Maine Rules of Evidence, Rule
9 303 that the person has established a residence for the purposes of registration
10 requirements imposed by this chapter.

11 **12. Sentence.** "Sentence," in addition to any punishment alternatives, includes an
12 involuntary commitment under Title 15, section 103, or similar statute from another
13 jurisdiction, following a verdict of not criminally responsible by reason of mental disease
14 or defect or similar verdict in another jurisdiction.

15 **13. Tier I offense.** "Tier I offense" means a conviction for one of the following
16 offenses or for an attempt or solicitation of one of the following offenses if the victim was
17 less than 18 years of age at the time of the criminal conduct:

18 A. Former Title 17, section 2924, subsection 2;

19 B. Former Title 17-A, section 253, subsection 2, paragraph E if the victim had
20 attained 18 years of age or more at the time of the offense;

21 C. Title 17-A, section 253, subsection 2, paragraph E if the victim had attained 18
22 years of age or more at the time of the offense;

23 D. Title 17-A, section 253, subsection 2, paragraph I if the victim had attained 18
24 years of age or more at the time of the offense;

25 E. Title 17-A, section 253, subsection 2, paragraph J if the victim had attained 18
26 years of age or more at the time of the offense;

27 F. Title 17-A, section 253, subsection 2, paragraph K if the victim had attained 18
28 years of age or more at the time of the offense;

29 G. Title 17-A, section 253, subsection 2, paragraph L if the victim had attained 18
30 years of age or more at the time of the offense;

31 H. Former Title 17-A, section 254;

32 I. Former Title 17-A, section 254, subsection 1, paragraph A;

33 J. Former Title 17-A, section 254, subsection 1, paragraph C or former Title 17-A,
34 section 254, subsection 3, paragraph A or B;

35 K. Title 17-A, section 254, subsection 1, paragraph C;

36 L. Title 17-A, section 254, subsection 1, paragraph D;

37 M. Title 17-A, section 254, subsection 1, paragraph E;

38 N. Former Title 17-A, section 254, subsection 1, paragraph F;

- 1 O. Former Title 17-A, section 255, subsection 1, paragraph A;
2 P. Former Title 17-A, section 255, subsection 1, paragraph B;
3 Q. Former Title 17-A, section 255, subsection 1, paragraph D;
4 R. Former Title 17-A, section 255, subsection 1, paragraph E;
5 S. Former Title 17-A, section 255, subsection 1, paragraph F;
6 T. Former Title 17-A, section 255, subsection 1, paragraph G;
7 U. Former Title 17-A, section 255, subsection 1, paragraph I;
8 V. Former Title 17-A, section 255, subsection 1, paragraph J;
9 W. Title 17-A, section 255-A, subsection 1, paragraph A;
10 X. Title 17-A, section 255-A, subsection 1, paragraph B;
11 Y. Title 17-A, section 255-A, subsection 1, paragraph C;
12 Z. Title 17-A, section 255-A, subsection 1, paragraph F-2;
13 AA. Title 17-A, section 255-A, subsection 1, paragraph G;
14 BB. Title 17-A, section 255-A, subsection 1, paragraph I;
15 CC. Title 17-A, section 255-A, subsection 1, paragraph J;
16 DD. Title 17-A, section 255-A, subsection 1, paragraph K;
17 EE. Title 17-A, section 255-A, subsection 1, paragraph Q;
18 FF. Title 17-A, section 255-A, subsection 1, paragraph R;
19 GG. Title 17-A, section 255-A, subsection 1, paragraph R-1 if the victim had
20 attained 18 years of age or more at the time of the offense;
21 HH. Title 17-A, section 255-A, subsection 1, paragraph R-2 if the victim had
22 attained 18 years of age or more at the time of the offense;
23 II. Title 17-A, section 255-A, subsection 1, paragraph S;
24 JJ. Title 17-A, section 255-A, subsection 1, paragraph T;
25 KK. Title 17-A, section 255-A, subsection 1, paragraph W if the victim had attained
26 18 years of age or more at the time of the offense;
27 LL. Title 17-A, section 255-A, subsection 1, paragraph X if the victim had attained
28 18 years of age or more at the time of the offense;
29 MM. Title 17-A, section 256, subsection 1, paragraph A;
30 NN. Title 17-A, section 256, subsection 1, paragraph B;
31 OO. Title 17-A, section 258, subsection 1;
32 PP. Title 17-A, section 258, subsection 1-A;
33 QQ. Title 17-A, section 259, subsection 1-A;
34 RR. Title 17-A, section 259, subsection 1-B;

- 1 SS. Title 17-A, section 284;
2 TT. Title 17-A, section 511, subsection 1, paragraph D;
3 UU. Title 17-A, section 556;
4 VV. Former Title 17-A, section 556, subsection 1, paragraph A;
5 WW. Title 17-A, section 852, subsection 1, paragraph A;
6 XX. Title 17-A, section 855, subsection 1, paragraph A;
7 YY. An offense in another jurisdiction that includes the essential elements of an
8 offense listed in paragraphs A to XX; or
9 ZZ. A military, tribal or federal offense requiring registration pursuant to:
10 (1) The federal Jacob Wetterling Crimes Against Children and Sexually Violent
11 Offender Registration Act, also known as the Jacob Wetterling Act, Section
12 170101 of the federal Violent Crime Control and Law Enforcement Act of 1994,
13 Public Law 103-322, as amended; or
14 (2) The federal Adam Walsh Child Protection and Safety Act of 2006, Public
15 Law 109-248, 42 United States Code, Chapter 151.
16 **14. Tier II offense.** "Tier II offense" means a conviction for one of the following
17 offenses or for an attempt or solicitation of one of the following offenses if the victim was
18 less than 18 years of age at the time of the criminal conduct:
19 A. Former Title 17, section 2922, subsection 1, paragraph A;
20 B. Former Title 17, section 2922, subsection 1, paragraph B;
21 C. Former Title 17, section 2923, subsection 1, paragraph A;
22 D. Former Title 17-A, section 253, subsection 2, paragraph E if the victim had not
23 attained 18 years of age or more at the time of the offense;
24 E. Former Title 17-A, section 253, subsection 2, paragraph F if the victim had not
25 attained 18 years of age or more at the time of the offense;
26 F. Former Title 17-A, section 253, subsection 2, paragraph G if the victim had not
27 attained 18 years of age or more at the time of the offense;
28 G. Title 17-A, section 253, subsection 2, paragraph E if the victim had not attained
29 18 years of age at the time of the offense;
30 H. Title 17-A, section 253, subsection 2, paragraph F;
31 I. Title 17-A, section 253, subsection 2, paragraph G;
32 J. Title 17-A, section 253, subsection 2, paragraph H;
33 K. Title 17-A, section 253, subsection 2, paragraph I if victim had not attained 18
34 years of age at the time of the offense;
35 L. Title 17-A, section 253, subsection 2, paragraph J if the victim had not attained 18
36 years of age at the time of the offense;

- 1 M. Title 17-A, section 253, subsection 2, paragraph K if the victim had not attained
2 18 years of age or more at the time of the offense;
- 3 N. Title 17-A, section 253, subsection 2, paragraph L if the victim had not attained
4 18 years of age or more at the time of the offense;
- 5 O. Title 17-A, section 254, subsection 1, paragraph A;
- 6 P. Title 17-A, section 254, subsection 1, paragraph A-1;
- 7 Q. Title 17-A, section 254, subsection 1, paragraph A-2;
- 8 R. Former Title 17-A, section 254, subsection 1, paragraph A;
- 9 S. Former Title 17-A, section 254, subsection 3, paragraph A;
- 10 T. Former Title 17-A, section 254, subsection 3, paragraph B;
- 11 U. Former Title 17-A, section 254, subsection 1, paragraph B;
- 12 V. Former Title 17-A, section 255, subsection 1, paragraph G;
- 13 W. Former Title 17-A, section 255, subsection 1, paragraph I where the State pled
14 and proved that unlawful sexual contact included penetration;
- 15 X. Title 17-A, section 255-A, subsection 1, paragraph B if the victim is a minor;
- 16 Y. Title 17-A, section 255-A, subsection 1, paragraph J if the victim is a minor;
- 17 Z. Title 17-A, section 255-A, subsection 1, paragraph L;
- 18 AA. Title 17-A, section 255-A, subsection 1, paragraph M;
- 19 BB. Title 17-A, section 255-A, subsection 1, paragraph N;
- 20 CC. Title 17-A, section 255-A, subsection 1, paragraph R if the victim had not
21 attained 18 years of age at the time of the offense;
- 22 DD. Title 17-A, section 255-A, subsection 1, paragraph R-1 if the victim had not
23 attained 18 years of age or more at the time of the offense;
- 24 EE. Title 17-A, section 255-A, subsection 1, paragraph R-2 if the victim had not
25 attained 18 years of age or more at the time of the offense;
- 26 FF. Title 17-A, section 255-A, subsection 1, paragraph W if the victim had not
27 attained 18 years of age or more at the time of the offense;
- 28 GG. Title 17-A, section 255-A, subsection 1, paragraph X if the victim had not
29 attained 18 years of age or more at the time of the offense;
- 30 HH. Title 17-A, section 282, subsection 1, paragraph A;
- 31 II. Title 17-A, section 282, subsection 1, paragraph C;
- 32 JJ. Title 17-A, section 282, subsection 1, paragraph D;
- 33 KK. Title 17-A, section 282, subsection 1, paragraph F;
- 34 LL. Title 17-A, section 283, subsection 1, paragraph A;
- 35 MM. Title 17-A, section 283, subsection 1, paragraph C;

- 1 NN. Title 17-A, section 284, subsection 1, paragraph B;
2 OO. Title 17-A, section 284, subsection 1, paragraph D;
3 PP. Title 17-A, section 556, subsection 1, paragraph B;
4 QQ. Former Title 17-A, section 556, subsection 1, paragraph B;
5 RR. Title 17-A, section 852, subsection 1, paragraph B;
6 SS. Title 17-A, section 855, subsection 1, paragraph B;
7 TT. An offense in another jurisdiction that includes the essential elements of an
8 offense listed in paragraphs A to SS; or
9 UU. A military, tribal or federal offense requiring registration pursuant to:
10 (1) The federal Jacob Wetterling Crimes Against Children and Sexually Violent
11 Offender Registration Act, also known as the Jacob Wetterling Act, Section
12 170101 of the federal Violent Crime Control and Law Enforcement Act of 1994,
13 Public Law 103-322, as amended; or
14 (2) The federal Adam Walsh Child Protection and Safety Act of 2006, Public
15 Law 109-248, 42 United States Code, Chapter 151.
16 **15. Tier III offense.** "Tier III offense" means a conviction for one of the following
17 offenses or for an attempt or solicitation of one of the following offenses if the victim was
18 less than 18 years of age at the time of the criminal conduct:
19 A. Former Title 17, section 2922, subsection 1, paragraph A-1;
20 B. Former Title 17, section 2922, subsection 1, paragraph C;
21 C. Former Title 17, section 2923, subsection 1, paragraph B;
22 D. Former Title 17-A, section 252, subsection 1, paragraph A;
23 E. Former Title 17-A, section 252, subsection 1, paragraph B;
24 F. Former Title 17-A, section 253, subsection 1, paragraph A;
25 G. Former Title 17-A, section 253, subsection 1, paragraph B;
26 H. Former Title 17-A, section 253, subsection 2, paragraph A;
27 I. Former Title 17-A, section 253, subsection 2, paragraph B;
28 J. Former Title 17-A, section 253, subsection 2, paragraph C;
29 K. Former Title 17-A, section 253, subsection 2, paragraph D;
30 L. Title 17-A, section 253, subsection 1, paragraph A;
31 M. Title 17-A, section 253, subsection 1, paragraph B;
32 N. Title 17-A, section 253, subsection 1, paragraph C;
33 O. Title 17-A, section 253, subsection 2, paragraph A;
34 P. Title 17-A, section 253, subsection 2, paragraph B;

- 1 Q. Title 17-A, section 253, subsection 2, paragraph C;
2 R. Title 17-A, section 253, subsection 2, paragraph D;
3 S. Former Title 17-A, section 254, subsection 3, paragraph C;
4 T. Former Title 17-A, section 255, subsection 1, paragraph B;
5 U. Former Title 17-A, section 255, subsection 1, paragraph C;
6 V. Former Title 17-A, section 255, subsection 1, paragraph D;
7 W. Former Title 17-A, section 255, subsection 1, paragraph H and the victim had not
8 attained 18 years of age;
9 X. Title 17-A, section 255-A, subsection 1, paragraph D;
10 Y. Title 17-A, section 255-A, subsection 1, paragraph E;
11 Z. Title 17-A, section 255-A, subsection 1, paragraph E-1;
12 AA. Title 17-A, section 255-A, subsection 1, paragraph F;
13 BB. Title 17-A, section 255-A, subsection 1, paragraph F-1;
14 CC. Title 17-A, section 255-A, subsection 1, paragraph H;
15 DD. Title 17-A, section 255-A, subsection 1, paragraph P;
16 EE. Title 17-A, section 282, subsection 1, paragraph B;
17 FF. Title 17-A, section 282, subsection 1, paragraph E;
18 GG. Title 17-A, section 283, subsection 1, paragraph B;
19 HH. Title 17-A, section 283, subsection 1, paragraph C;
20 II. Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3), unless the
21 actor is a parent of the victim and the victim had not attained 18 years of age;
22 JJ. An offense in another jurisdiction that includes the essential elements of an
23 offense listed in paragraphs A to II; or
24 KK. A military, tribal or federal offense requiring registration pursuant to:
25 (1) The federal Jacob Wetterling Crimes Against Children and Sexually Violent
26 Offender Registration Act, also known as the Jacob Wetterling Act, Section
27 170101 of the federal Violent Crime Control and Law Enforcement Act of 1994,
28 Public Law 103-322, as amended; or
29 (2) The federal Adam Walsh Child Protection and Safety Act of 2006, Public
30 Law 109-248, 42 United States Code, Chapter 151.

31 **16. Tier I registrant.** "Tier I registrant" means a person who is an adult convicted
32 and sentenced or a juvenile convicted and sentenced as an adult of a Tier I offense.

33 **17. Tier II registrant.** "Tier II registrant" means a person who is an adult convicted
34 and sentenced or a juvenile convicted and sentenced as an adult of a Tier II offense.

1 **18. Tier III registrant.** "Tier III registrant" means a person who is an adult
2 convicted and sentenced or a juvenile convicted and sentenced as an adult of a Tier III
3 offense.

4 **19. Tribe.** "Tribe" means the Passamaquoddy Tribe or the Penobscot Nation.

5 **§11275. Rulemaking**

6 The bureau may adopt rules necessary to implement this chapter. Rules adopted
7 pursuant to this section are routine technical rules as defined by Title 5, chapter 375,
8 subchapter 2-A.

9 **SUBCHAPTER 2**

10 **SEX OFFENDER REGISTRATION**

11 **§11281. Maintenance of sex offender registry**

12 **1. Maintenance of registry.** The bureau shall establish and maintain a registry of
13 persons required to register pursuant to this subchapter. The registry must include the
14 following information on each registrant:

15 A. The registrant's name, aliases, date of birth, sex, race, height, weight, eye color,
16 mailing address and physical location of expected domicile and residence;

17 B. Place of employment and college or school being attended, if applicable, and the
18 corresponding address and location;

19 C. Offense history;

20 D. Notation of any treatment received for a mental abnormality or personality
21 disorder;

22 E. A photograph and set of fingerprints;

23 F. A description of the offense for which the registrant was convicted, the date of
24 conviction and the sentence imposed;

25 G. Whether the registrant is a Tier I registrant, Tier II registrant or Tier III registrant;
26 and

27 H. Any other information the bureau determines important.

28 **2. National or regional registry.** The bureau is authorized to make the registry
29 available to and accept files from a national or regional registry of registrants for the
30 purpose of sharing information.

31 **3. Registration form.** The bureau shall develop a standardized registration form to
32 be made available to the appropriate reporting authorities and persons required to register.

33 **4. Verification form.** The bureau shall develop and mail a nonforwardable
34 verification form to the last reported mailing address of each person required to meet the
35 verification requirements of this chapter.

1 **5. Distribution of information to department and law enforcement agencies.**
2 The bureau shall distribute information described in subsection 1 to the department and
3 law enforcement agencies having jurisdiction over the address and location of the
4 registrant's domicile, residence, place of employment and college or school being
5 attended, if applicable.

6 **6. Criminal justice agency access to information.** The bureau shall provide access
7 to the information described in subsection 1 to criminal justice agencies. For purposes of
8 this subsection, "criminal justice agency" has the same meaning as in Title 16, section
9 611, subsection 4.

10 **7. Public access to registrant information.** The bureau shall provide information
11 to the public as follows.

12 A. The bureau shall post on the Internet for public inspection the following
13 information concerning a registrant who is a Tier I offender, Tier II offender or Tier
14 III offender:

- 15 (1) The registrant's name, date of birth and photograph;
- 16 (2) The registrant's city or town of domicile and residence;
- 17 (3) The registrant's place of employment and college or school being attended, if
18 applicable, and the corresponding address and location;
- 19 (4) The statutory citation and name of the offense for which the registrant was
20 convicted; and
- 21 (5) Whether the registrant is a Tier I registrant, a Tier II registrant or a Tier III
22 registrant.

23 B. Upon receiving a written request that includes the name and date of birth of a
24 registrant, the bureau shall provide the following information concerning a registrant
25 to the requestor:

- 26 (1) The registrant's name, aliases, date of birth, sex, race, height, weight, eye
27 color, mailing address and physical location of domicile and residence;
- 28 (2) The registrant's place of employment and college or school being attended, if
29 applicable, and the corresponding address and location;
- 30 (3) A description of the offense for which the registrant was convicted, the date
31 of conviction and the sentence imposed; and
- 32 (4) The registrant's photograph.

33 **8. Registrant access to information.** Pursuant to Title 16, section 620, the bureau
34 shall provide all information described in subsection 1 to a registrant who requests that
35 person's own information.

36 **9. Maintenance by bureau.** Only the bureau is authorized to maintain a sex
37 offender registry on the Internet for purposes of public access.

1 **10. Law enforcement agency website.** Notwithstanding subsection 9, a law
2 enforcement agency may maintain its own sex offender website and may make that
3 information available for use by the public if:

4 A. A notice is prominently posted on the website that expressly states that the
5 website is not the official state sex offender registry under subsection 7, paragraph A
6 and that the law enforcement agency posting the website is solely responsible for the
7 website's content;

8 B. The website provides a link to the bureau's Internet sex offender registry under
9 subsection 7, paragraph A;

10 C. The website contains information regarding only registrants who are domiciled,
11 reside, attend college or school or work within the posting law enforcement agency's
12 jurisdiction; and

13 D. The information on the website is updated by the law enforcement agency as
14 frequently as available resources permit, but no less often than every 7 days. The law
15 enforcement agency shall also prominently post on the website the date and time of
16 the most recent update to the website.

17 **§11282. Duty of offender to register**

18 **1. Notification by court, the department, the bureau or a law enforcement**
19 **agency.** An offender has a duty to register under this chapter after notification has been
20 given to the offender by a court of jurisdiction, the department, the bureau or a law
21 enforcement agency. The court shall notify the offender at the time of sentence of the
22 duty to register pursuant to this chapter. Notification of the duty to register under this
23 chapter also may be given to the offender at any time after the imposition of sentence.

24 At any time, the bureau may correct the term of a registration erroneously assigned to an
25 offender or registrant. In such instances, the bureau shall notify the offender or registrant,
26 the district attorney and the court in the jurisdiction where the conviction occurred and
27 the law enforcement agency having jurisdiction where the offender or registrant is
28 domiciled, resides, is employed or attends college or school, if applicable.

29 **2. When duty to register must be exercised.** Following notification by a court, the
30 department, the bureau or a law enforcement agency under subsection 1, an offender shall
31 register as follows.

32 A. If the offender is sentenced to a wholly suspended sentence with probation or
33 administrative release, or to a punishment alternative not involving imprisonment, the
34 duty to register is triggered at the time the person commences in actual execution of
35 the wholly suspended sentence or at the time of sentence imposition when no
36 punishment alternative involving imprisonment is imposed, unless the court orders a
37 stay of execution, in which event the duty is triggered by the termination of the stay.

38 B. If the offender is sentenced to a straight term of imprisonment or to a split
39 sentence, the duty to register is triggered by discharge or conditional release.

40 C. If the offender is committed under Title 15, section 103, the duty to register is
41 triggered by discharge or conditional release under Title 15, section 104-A.

1 D. If the events stated in paragraphs A to C have passed, an offender must register
2 within 5 days after having received notice of that duty from a court, the department,
3 the bureau or a law enforcement agency.

4 E. Proof that the name and date of birth of the person notified of the duty to register
5 pursuant to this chapter are the same as those of a person who has been convicted of
6 an offense requiring registration pursuant to this chapter gives rise to a permissible
7 inference under the Maine Rules of Evidence, Rule 303 that the person notified of the
8 duty to register is the same person as that person convicted of the offense requiring
9 registration.

10 **3. Duty to notify law enforcement agency.** An offender shall notify the law
11 enforcement agency having jurisdiction in those areas where the offender is domiciled,
12 resides, works or attends school within 24 hours of becoming a domiciliary or a resident
13 or beginning work or attending school. If the location is a municipality with an organized
14 municipal police department, the law enforcement agency having jurisdiction is the
15 municipal police department. If the location is a school having an organized police
16 department, the law enforcement agency having jurisdiction is the campus police
17 department. If the location is neither a municipality nor a school with an organized police
18 department, the law enforcement agency having jurisdiction is the sheriff's department.

19 **4. Responsibility of ensuring initial registration.** The department, the county jail
20 or the state mental health institute that has custody of an offender shall inform the
21 offender, prior to discharge or conditional release, of the duty to register. If an offender
22 does not serve a period of institutional confinement, the court shall inform the offender at
23 the time of sentencing of the duty to register. The department, county jail, state mental
24 health institute or court shall:

25 A. Inform the offender of the duty to register and obtain the information required for
26 the initial registration;

27 B. Inform the offender of the requirement to notify the law enforcement agency
28 having jurisdiction pursuant to subsection 3;

29 C. Inform the offender that if the offender changes domicile or changes residence,
30 place of employment or college or school being attended, the offender shall give the
31 new address to the bureau in writing within 5 days and shall notify the law
32 enforcement agency having jurisdiction within 24 hours;

33 D. Inform the offender that if that offender changes domicile to another state, the
34 offender shall register the new address with the bureau and if the new state has a
35 registration requirement, the offender shall register with a designated law
36 enforcement agency in the new state not later than 5 days after establishing domicile
37 in the new state;

38 E. Inform the offender that if that offender has part-time or full-time employment in
39 another state, with or without compensation, for more than 14 consecutive days or for
40 an aggregate period exceeding 30 days in a calendar year or if that offender enrolls in
41 any type of school in another state on a part-time or full-time basis, the offender shall
42 give the bureau the offender's place of employment or school to be attended in
43 writing within 5 days after beginning work or attending school and if the other state

1 has a registration requirement, shall register with the designated law enforcement
2 agency in the other state;

3 F. Obtain fingerprints and a photograph of the offender. The court may order the
4 offender to submit to the taking of fingerprints and a photograph at a specified law
5 enforcement agency within 3 days if the fingerprints and photograph have not already
6 been obtained in connection with the offense that necessitates registration; and

7 G. Enforce the requirement that the offender read and sign a form provided by the
8 bureau that states that the duty of the offender to register under this section has been
9 explained.

10 **5. Transfer of initial registration information to bureau and FBI.** The
11 department, county jail, state mental health institute or court within 3 days of receipt of
12 the information described in subsection 4 shall forward the information to the bureau. If
13 the court orders the offender to submit to the taking of fingerprints and a photograph at a
14 specified law enforcement agency, the law enforcement agency shall submit the
15 fingerprints and photograph to the bureau within 3 days. The bureau shall immediately
16 enter the information into the registration system, notify the law enforcement agencies
17 having jurisdiction where the offender expects to be domiciled and reside and transmit
18 the information to the FBI for inclusion in the national FBI sex offender database.

19 **6. Verification.** During the period a registrant is required to register, the bureau
20 shall require the registrant to verify registration information including domicile,
21 residence, mailing address, place of employment and college or school being attended.
22 The following provisions govern the verification of registration information.

23 A. At least 10 days prior to the required verification date, the bureau shall mail a
24 nonforwardable verification form to the last reported mailing address of the
25 registrant. The verification form is deemed received 3 days after mailing unless
26 returned by postal authorities.

27 B. The registrant shall take the completed verification form and a photograph of the
28 registrant to the law enforcement agency having jurisdiction within 5 days of receipt
29 of the form.

30 C. The law enforcement agency having jurisdiction shall verify the registrant's
31 identity, have the registrant sign the verification form, take the registrant's
32 fingerprints, complete the law enforcement portion of the verification form and
33 immediately forward the fingerprints, photograph and form to the bureau.

34 **7. Frequency of verification.** The frequency of verification of registration
35 information is dependent upon the registrant's tier classification as follows.

36 A. A Tier III registrant shall register for the duration of the registrant's life and shall
37 verify registration information every 90 days after the registrant's initial registration
38 date.

39 B. A Tier II registrant shall register for 25 years and shall verify registration
40 information every 90 days after the registrant's initial registration date for 2 years.
41 After the registrant's 2nd year of registration, the registrant shall verify registration
42 information every 6 months for 2 years. After the registrant's 4th year of registration,

1 the registrant shall verify registration information annually for 6 years. After the
2 registrant's 25th year of registration, the registrant no longer has a duty to register.

3 C. A Tier I registrant shall register for 10 years and shall verify registration
4 information every 90 days after the registrant's initial registration date for 2 years.
5 After the registrant's 2nd year of registration, the registrant shall verify registration
6 information every 6 months for 2 years. After the registrant's 4th year of registration,
7 the registrant shall verify registration information annually for 6 years, after which
8 point the registrant no longer has a duty to register.

9 **8. Change of domicile, residence, place of employment or college or school being**
10 **attended.** An offender or registrant shall notify the bureau in writing of a change of
11 residence, domicile, place of employment or college or school being attended within 5
12 days and shall notify the law enforcement agency having jurisdiction within 24 hours
13 after changing that domicile, residence, place of employment or college or school being
14 attended.

15 A. If the offender or registrant establishes a new domicile, residence, place of
16 employment or college or school being attended in the State, the bureau shall notify,
17 within 3 days, both the law enforcement agency having jurisdiction where the
18 offender or registrant was formerly domiciled or resided or was employed or enrolled
19 and the law enforcement agency having jurisdiction where the offender or registrant
20 is currently domiciled, residing, employed or enrolled.

21 B. If the offender or registrant establishes a domicile, residence, place of
22 employment or college or school being attended in another state, the bureau shall
23 notify, within 3 days, the law enforcement agency having jurisdiction where the
24 offender or registrant was formerly domiciled or resided or was employed or enrolled
25 and the law enforcement agency having jurisdiction where the offender or registrant
26 is currently domiciled, residing, employed or enrolled.

27 **§11283. Duty of person establishing domicile or residence to register**

28 A person sentenced at any time for a military, tribal or federal offense requiring
29 registration pursuant to the federal Jacob Wetterling Crimes Against Children and
30 Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act,
31 Section 170101 of the federal Violent Crime Control and Law Enforcement Act of 1994,
32 Public Law 103-322, as amended; or the federal Adam Walsh Child Protection and Safety
33 Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151; or in a
34 jurisdiction other than this State who is required under that jurisdiction to register
35 pursuant to that jurisdiction's sex offender registration statute or would have been
36 required to register if the person had remained in the jurisdiction or, if not so required,
37 who has been sentenced on or after September 1, 2012 for an offense that includes the
38 essential elements of a sex offense or a sexually violent offense shall register as a Tier I
39 registrant, a Tier II registrant or a Tier III registrant, whichever is applicable, within 5
40 days and shall notify the law enforcement agency having jurisdiction within 24 hours of
41 establishing domicile or residence in this State. The person shall contact the bureau,
42 which shall provide the person with the registration form and direct the person to take the
43 form and a photograph of the person to the law enforcement agency having jurisdiction.
44 The law enforcement agency shall supervise the completion of the form, take the person's

1 fingerprints and immediately forward the form, photograph and fingerprints to the
2 bureau.

3 **§11284. Duty of person employed or attending college or school**

4 The following provisions govern registration duties for a person not domiciled or
5 residing in this State but who is employed or attending college or school in this State.

6 **1. Time.** A person who has been sentenced at any time for a military, tribal or
7 federal offense requiring registration pursuant to the federal Jacob Wetterling Crimes
8 Against Children and Sexually Violent Offender Registration Act, also known as the
9 Jacob Wetterling Act, Section 170101 of the federal Violent Crime Control and Law
10 Enforcement Act of 1994, Public Law 103-322, as amended; or the federal Adam Walsh
11 Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code,
12 Chapter 151; or in a jurisdiction other than this State and who is required under that
13 jurisdiction to register pursuant to that jurisdiction's sex offender registration statute or
14 would have been required to register if the person had remained in that jurisdiction or, if
15 not so required, who has been sentenced on or after September 1, 2012 for an offense that
16 includes the essential elements of a sex offense or a sexually violent offense shall register
17 as a Tier I registrant, a Tier II registrant or a Tier III registrant, whichever is applicable,
18 within 5 days and shall notify the law enforcement agency having jurisdiction:

19 A. Within 24 hours of beginning full-time or part-time employment, with or without
20 compensation, for more than 14 consecutive days or for an aggregate period
21 exceeding 30 days in a calendar year in this State; or

22 B. Within 24 hours of beginning college or school on a full-time or part-time basis in
23 this State.

24 **2. Process for notifying bureau.** The person described under subsection 1 shall
25 contact the bureau, which shall provide the person with a registration form and direct the
26 person to take the form and a photograph of the person to the law enforcement agency
27 having jurisdiction. The law enforcement agency shall supervise the completion of the
28 form, take the person's fingerprints and immediately forward the form, photograph and
29 fingerprints to the bureau.

30 **§11285. Duration of registration**

31 Except as provided in section 11282, subsection 7, the following provisions govern
32 the duration of registration.

33 **1. Offender convicted and sentenced in State for Tier I offense.** An offender
34 convicted and sentenced in this State for a Tier I offense shall register for a period of 10
35 years. The 10-year period commences from the date the person in fact initially registers
36 once the legal duty arises under section 11282, subsection 2.

37 **2. Offender convicted and sentenced in another jurisdiction for Tier I-type**
38 **offense.** An offender convicted and sentenced in another jurisdiction and required to
39 register in this State pursuant to section 11283 or section 11284 for an offense that

1 includes the essential elements of a Tier I offense shall register for a period of 10 years.
2 The following provisions apply.

3 A. A Tier I registrant shall register in this State for a period of 10 years if, pursuant
4 to the other jurisdiction's sex offender registration statute, the registration period is
5 for a period of no more than 10 years. The 10-year period commences from the date
6 the person in fact initially registers in this State once the legal duty to register arises
7 under section 11283 or section 11284. However, the Tier I registrant may receive
8 day-for-day credit for the time actually registered pursuant to the other jurisdiction's
9 sex offender registration statute prior to registering in this State upon applying to the
10 bureau for credit. The bureau may grant credit if the registrant provides sufficient
11 documentation in accordance with rules adopted by the bureau.

12 B. A Tier I registrant shall register for a period of 10 years if registration was not
13 required in that other jurisdiction and the person was sentenced on or after September
14 1, 2012 in that jurisdiction for a crime that includes the essential elements of a Tier I
15 offense. The 10-year period commences from the date the person in fact initially
16 registers in this State once the legal duty to register arises under section 11283 or
17 section 11284.

18 **3. Offender convicted and sentenced in State for Tier II offense.** An offender
19 convicted and sentenced in this State for a Tier II offense shall register for a period of 25
20 years. The 25-year period commences from the date the person in fact initially registers
21 once the legal duty arises under section 11282, subsection 2.

22 **4. Offender convicted and sentenced in another jurisdiction for Tier II-type**
23 **offense.** An offender convicted and sentenced in another jurisdiction and required to
24 register in this State pursuant to section 11283 or section 11284 for an offense that
25 includes the essential elements of a Tier II offense shall register for a period of 25 years.
26 The following provisions apply.

27 A. A Tier II registrant shall register in this State for a period of 25 years if, pursuant
28 to the other jurisdiction's sex offender registration statute, the registration period is
29 for a period of more than 10 years and no more than 25 years. The 25-year period
30 commences from the date the person in fact initially registers in this State once the
31 legal duty to register arises under section 11283 or section 11284. However, the Tier
32 II registrant may receive day-for-day credit for the time actually registered pursuant
33 to the other jurisdiction's sex offender registration statute prior to registering in this
34 State upon applying to the bureau for credit. The bureau may grant credit if the
35 registrant provides sufficient documentation in accordance with rules adopted by the
36 bureau.

37 B. A Tier II registrant shall register for a period of 25 years if registration was not
38 required in that other jurisdiction and the person was sentenced on or after September
39 1, 2012 in that jurisdiction for a crime that includes the essential elements of a Tier II
40 offense. The 25-year period commences from the date the person in fact initially
41 registers in this State once the legal duty to register arises under section 11283 or
42 section 11284.

1 **5. Offender convicted and sentenced in State for Tier III offense.** An offender
2 convicted and sentenced in this State for a Tier III offense shall register for the duration
3 of the offender's life.

4 **6. Offender convicted and sentenced in another jurisdiction for Tier III-type**
5 **offense.** An offender convicted and sentenced in another jurisdiction and required to
6 register in this State pursuant to section 11283 or section 11284 for an offense that
7 includes the essential elements of a Tier III offense shall register for the duration of the
8 registrant's life.

9 A. A Tier III registrant shall register in this State for the duration of the registrant's
10 life if, pursuant to the other jurisdiction's sex offender registration statute, the
11 registration period is for the duration of the offender's life.

12 B. A Tier III registrant shall register in this State for the duration of the registrant's
13 life if registration was not required in that other jurisdiction and the person was
14 sentenced on or after January 1, 1982 in that jurisdiction for a crime that includes the
15 essential elements of a Tier III offense.

16 **7. Periods when domiciled or residing outside State.** Notwithstanding any other
17 provision of this section, during any period in which a registrant or offender leaves this
18 State, establishes a domicile or residence in another state and remains physically absent
19 from this State, the bureau, pursuant to any rules the bureau may adopt, may suspend the
20 requirement that the registrant or offender verify registration information.

21 **8. Relief from duty to register.** The following provisions apply to relief from the
22 duty to register.

23 A. An offender's or a Tier I registrant's duty to register for a period of 10 years is not
24 required if the circumstances triggering the registration requirements under section
25 11283 or section 11284 no longer exist.

26 B. An offender's or a Tier II registrant's duty to register for a period of at least 10 and
27 no more than 25 years is not required if the circumstances triggering the registration
28 requirements under section 11283 or section 11284 no longer exist.

29 C. An offender's or a Tier III registrant's duty to register for the duration of that
30 person's life is not required if the circumstances triggering the registration
31 requirements under section 11283 or section 11284 no longer exist.

32 D. If the underlying conviction in this State or in another jurisdiction that triggers the
33 registration requirement is reversed, vacated or set aside, if the offender or registrant
34 is pardoned for the crime or if the board determines that the offender or registrant no
35 longer has a duty to register, registration is no longer required.

36 **§11286. Fee**

37 The bureau may charge a \$25 annual fee to persons required to register under this
38 chapter. Registrants shall pay the fee at the time of initial registration and shall pay the
39 fee on each anniversary of their initial registration.

1 The fee must be credited to the General Fund and the Highway Fund in an amount
2 consistent with currently budgeted appropriations and allocations.

3 **§11287. Violation**

4 **1. Failure to comply; first offense.** A person to whom this chapter applies pursuant
5 to section 11272 who in fact fails to comply with any duty imposed under this chapter or
6 a rule adopted pursuant to this chapter commits a Class D crime.

7 **2. Failure to comply; 2nd offense.** A person who has one prior conviction under
8 this section and who in fact fails to comply with any duty imposed under this chapter or a
9 rule adopted pursuant to this chapter commits a Class C crime.

10 **3. Failure to comply; 3rd offense.** A person who has 2 or more prior convictions
11 under this section and who in fact fails to comply with any duty imposed under this
12 chapter or a rule adopted pursuant to this chapter commits a Class B crime.

13 **4. Strict liability.** Violation of this section is a strict liability crime as defined in
14 Title 17-A, section 34, subsection 4-A.

15 **5. Prior convictions.** Title 17-A, section 9-A governs the use of prior convictions
16 when determining a sentence.

17 **6. Affirmative defense.** It is an affirmative defense that the failure to comply with a
18 duty imposed under this chapter or a rule adopted pursuant to this chapter resulted from
19 just cause.

20 **7. Permissible inference.** Proof that the name and date of birth of the person
21 charged with a violation of this section are the same as those of a person who has been
22 convicted of an offense requiring registration pursuant to this chapter gives rise to a
23 permissible inference under the Maine Rules of Evidence, Rule 303 that the person
24 charged with a violation of this section is the same person as that person convicted of the
25 offense requiring registration.

26 **§11288. Certification by record custodian**

27 Notwithstanding any other law or rule of evidence, a certificate by the custodian of
28 the records of the bureau, when signed and sworn to by that custodian, or the custodian's
29 designee, is admissible in a judicial or administrative proceeding as prima facie evidence
30 of any fact stated in the certificate or in any documents attached to the certificate.

31 **SUBCHAPTER 3**

32 **NOTIFICATION**

33 **§11301. Immunity from liability**

34 Neither the failure to perform the requirements of this chapter nor compliance with
35 this chapter subjects any state, municipal or county official or employee to liability in a
36 civil action. The immunity provided under this section applies to the release of relevant
37 information to other officials or employees or to the general public.

1 **§11302. Mandatory notification of conditional release or discharge of registrants**

2 The department, county jails, state mental health institutes and the bureau are
3 governed by the following notice provisions when a registrant is conditionally released or
4 discharged.

5 **1. Duties.** The department, a county jail or a state mental health institute shall give
6 the bureau notice of the following:

7 A. The address where the registrant will be domiciled and reside;

8 B. The address where the registrant will work and attend college or school, if
9 applicable;

10 C. The geographic area to which a registrant's conditional release is limited, if any;
11 and

12 D. Applicable contact standards for the registrant.

13 **2. Duties of the bureau.** Upon receipt of the information concerning the conditional
14 release or discharge of a registrant pursuant to subsection 1, the bureau shall forward the
15 information in subsection 1 to all law enforcement agencies that have jurisdiction in those
16 areas where the registrant may be domiciled, reside, work or attend college or school.

17 **§11303. Public notification**

18 **1. Department.** Upon the conditional release or discharge of a registrant from a
19 state correctional institution, the department shall give notice of the information under
20 section 11302, subsection 1 to members of the public the department determines
21 appropriate to ensure public safety.

22 **2. Law enforcement agencies.** Upon receipt of the information concerning the
23 conditional release or discharge of a registrant pursuant to section 11302, subsection 2, a
24 law enforcement agency shall notify members of a municipality that the law enforcement
25 agency determines appropriate to ensure public safety.

26 **PART B**

27 **Sec. B-1. 4 MRSA §1057, sub-§2-A,** as amended by PL 2005, c. 676, §1, is
28 further amended to read:

29 **2-A. Surcharge imposed.** Surcharges of 14% and 5% must be added to every fine,
30 forfeiture or penalty imposed by any court in this State, which, for the purposes of
31 collection and collection procedures, are considered a part of the fine, forfeiture or
32 penalty. The 14% surcharge collected as a result of this subsection must be deposited
33 monthly in the Government Operations Surcharge Fund and the 5% surcharge collected
34 as a result of this subsection must be deposited directly into the General Fund. Three
35 fourteenths of the surcharge collected and deposited in the Government Operations
36 Surcharge Fund must be paid to the Maine Criminal Justice Academy to supplement
37 current funds for training and recertification of part-time and full-time law enforcement
38 officers. One fourteenth of the surcharge collected and deposited in the Government

1 Operations Surcharge Fund must be paid to the ~~State Police~~ Maine Computer Crimes
2 Unit established in Title 25, section 1539 to supplement current funds for computer
3 crimes investigations.

4 **Sec. B-2. 25 MRSA c. 192-C** is enacted to read:

5 **CHAPTER 192-C**

6 **MAINE COMPUTER CRIMES UNIT**

7 **§1539. Maine Computer Crimes Unit**

8 **1. Maine Computer Crimes Unit.** The Maine Computer Crimes Unit is established
9 in the Department of Public Safety, Bureau of State Police. The purpose of the Maine
10 Computer Crimes Unit is to investigate and assist the department, the Department of the
11 Attorney General and local law enforcement agencies with crimes involving computers,
12 including, but not limited to, crimes involving computers and sexually explicit materials
13 containing images of children.

14 **2. Powers.** The Maine Computer Crimes Unit has all the investigative and
15 enforcement powers of the Department of Public Safety, Bureau of State Police,
16 including administrative subpoena power.

17 **3. Budget.** The budget of the Maine Computer Crimes Unit must be submitted as a
18 part of the budget of the Department of Public Safety, Bureau of State Police and
19 reviewed by the joint standing committees of the Legislature having jurisdiction over
20 criminal justice matters and appropriations and financial affairs.

21 **4. Report.** Beginning July 1, 2013, the Maine Computer Crimes Unit shall make an
22 annual report regarding development, implementation and effectiveness of programs and
23 initiatives carried out by the Maine Computer Crimes Unit to the joint standing
24 committee of the Legislature having jurisdiction over criminal justice matters.

25 **Sec. B-3. Elimination of computer crimes unit program; transition;**
26 **staffing.** Effective August 1, 2012, the computer crimes unit program within the
27 Department of Public Safety, Bureau of State Police is eliminated. All records,
28 equipment, furniture and other property belonging to the computer crimes unit is
29 transferred to and becomes the property of the Department of Public Safety, Bureau of
30 State Police, Maine Computer Crimes Unit established in the Maine Revised Statutes,
31 Title 25, chapter 192-C. All funds appropriated to the computer crimes unit must be
32 transferred for use by the Maine Computer Crimes Unit. In addition to the positions in
33 the computer crimes unit program on July 30, 2012, 4 new computer forensic analysts
34 must be added to the Maine Computer Crimes Unit.

35 **Sec. B-4. Budgetary assignment of Maine Computer Crimes Unit**
36 **positions and costs.** The Chief of the State Police shall determine which positions are
37 assigned to the computer crimes unit program within the Department of Public Safety,
38 Bureau of State Police on August 1, 2012 and shall develop the department's 2014-2015
39 biennial budget request to reflect the positions and related costs of the Maine Computer

1 Crimes Unit. The reassignment of positions and related costs must be included in the
2 baseline budget request of the department. The Commissioner of Public Safety shall
3 report to the State Budget Officer and the Office of Fiscal and Program Review on the
4 positions and related costs shifted from the computer crimes unit program to the Maine
5 Computer Crimes Unit as part of the baseline budget request no later than September 1,
6 2012.

7 **Sec. B-5. Appropriations and allocations.** The following appropriations and
8 allocations are made.

9 **PUBLIC SAFETY, DEPARTMENT OF**
10 **Maine Computer Crimes Unit Z128**

11 Initiative: Establishes the Maine Computer Crimes Unit within the Department of Public
12 Safety, Bureau of State Police and provides funding for 4 Computer Forensic Analyst
13 positions within that unit.

14	GENERAL FUND	2011-12	2012-13
15	POSITIONS - LEGISLATIVE COUNT	0.000	4.000
16	Personal Services	\$0	\$294,324
17	All Other	\$0	\$14,020
18			
19	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$308,344</u>

20 **PART C**

21 **Sec. C-1. 17-A MRSA §282, sub-§1, ¶¶A and D,** as enacted by PL 2003, c.
22 711, Pt. B, §12, are amended to read:

23 A. Knowing or intending that the conduct will be photographed, the person
24 intentionally or knowingly employs, solicits, entices, persuades, uses or compels
25 another person, not that person's spouse, who is in fact a minor, to engage in sexually
26 explicit conduct. Violation of this paragraph is a Class ~~B~~ A crime;

27 D. Being a parent, legal guardian or other person having care or custody of another
28 person who is in fact a minor, that person knowingly or intentionally permits that
29 minor to engage in sexually explicit conduct, knowing or intending that the conduct
30 will be photographed. Violation of this paragraph is a Class ~~B~~ A crime;

31 **Sec. C-2. 17-A MRSA §283, sub-§1, ¶A,** as enacted by PL 2003, c. 711, Pt. B,
32 §12, is amended to read:

33 A. The person intentionally or knowingly disseminates or possesses with intent to
34 disseminate any book, magazine, newspaper, print, negative, slide, motion picture,
35 videotape, computer data file or other mechanically, electronically or chemically
36 reproduced visual image or material that depicts any minor who the person knows or
37 has reason to know is a minor engaging in sexually explicit conduct. Violation of
38 this paragraph is a Class ~~C~~ B crime;

1 **Sec. C-3. 17-A MRSA §283, sub-§1, ¶B**, as amended by PL 2007, c. 476, §6, is
2 further amended to read:

3 B. The person violates paragraph A and, at the time of the offense, has one or more
4 prior convictions under this section or for engaging in substantially similar conduct to
5 that contained in this section in another jurisdiction. Violation of this paragraph is a
6 Class ~~B~~ A crime;

7 **Sec. C-4. 17-A MRSA §283, sub-§1, ¶C**, as enacted by PL 2003, c. 711, Pt. B,
8 §12, is amended to read:

9 C. The person intentionally or knowingly disseminates or possesses with intent to
10 disseminate any book, magazine, newspaper, print, negative, slide, motion picture,
11 videotape, computer data file or other mechanically, electronically or chemically
12 reproduced visual image or material that depicts any minor who is less than 12 years
13 of age who the person knows or has reason to know is a minor less than 12 years of
14 age engaging in sexually explicit conduct. Violation of this paragraph is a Class ~~B~~ A
15 crime; or

16 **Sec. C-5. 17-A MRSA §284, sub-§1**, as amended by PL 2011, c. 50, §§1 and 2,
17 is further amended to read:

18 **1.** A person is guilty of possession of sexually explicit material if that person:

19 A. Intentionally or knowingly transports, exhibits, purchases, possesses or accesses
20 with intent to view any book, magazine, newspaper, print, negative, slide, motion
21 picture, computer data file, videotape or other mechanically, electronically or
22 chemically reproduced visual image or material that the person knows or should
23 know depicts another person engaging in sexually explicit conduct, and:

24 (1) The other person has not in fact attained 16 years of age; or

25 (2) The person knows or has reason to know that the other person has not
26 attained 16 years of age.

27 Violation of this paragraph is a Class ~~D~~ C crime;

28 B. Violates paragraph A and, at the time of the offense, has one or more prior
29 convictions under this section or for engaging in substantially similar conduct to that
30 contained in this section in another jurisdiction. Violation of this paragraph is a Class
31 ~~E~~ B crime;

32 C. Intentionally or knowingly transports, exhibits, purchases, possesses or accesses
33 with intent to view any book, magazine, newspaper, print, negative, slide, motion
34 picture, computer data file, videotape or other mechanically, electronically or
35 chemically reproduced visual image or material that the person knows or should
36 know depicts another person engaging in sexually explicit conduct, and:

37 (1) The other person has not in fact attained 12 years of age; or

38 (2) The person knows or has reason to know that the other person has not
39 attained 12 years of age.

40 Violation of this paragraph is a Class ~~E~~ B crime; or

1 D. Violates paragraph C and, at the time of the offense, has one or more prior
2 convictions under this section or for engaging in substantially similar conduct to that
3 contained in this section in another jurisdiction. Violation of this paragraph is a Class
4 ~~B~~ A crime.

5 Section 9-A governs the use of prior convictions when determining a sentence.

6 **PART D**

7 **Sec. D-1. Description of sexual assault crimes on Bureau of State Police**
8 **website.** The Department of Public Safety, Bureau of State Police, State Bureau of
9 Identification, on the website maintained for its sex offender registry, shall provide a
10 description of the sexual assaults that are prohibited by the Maine Criminal Code and the
11 punishment for those crimes.

12 **PART E**

13 **Sec. E-1. 17-A MRSA §852, sub-§2,** as enacted by PL 1975, c. 499, §1, is
14 amended to read:

15 **2.** As used in this section, "compelling" includes but is not limited to:

16 A. The use of a drug or intoxicating substance to render a person incapable of
17 controlling ~~his~~ that person's conduct or appreciating its nature; ~~and~~

18 B. Withholding or threatening to withhold a narcotic drug or alcoholic liquor from a
19 drug or alcohol-dependent person. A "drug or alcohol-dependent person" is one who
20 is using narcotic drugs or alcoholic liquor and who is in a state of psychic or physical
21 dependence or both, arising from the use of the drug or alcohol on a continuing
22 basis;

23 C. Making material false statements, misstatements or omissions;

24 D. Withholding, destroying or confiscating an actual or purported passport or other
25 immigration document or other actual or purported government identification
26 document with the intent to impair a person's freedom of movement;

27 E. Requiring prostitution to be performed to retire, repay or service an actual or
28 purported debt; and

29 F. Using force or engaging in any scheme, plan or pattern to instill in a person a fear
30 that, if the person does not engage or continue to engage in prostitution, the actor or
31 another person will;

32 (1) Cause physical injury or death to a person;

33 (2) Cause damage to property, other than property of the actor;

34 (3) Engage in other conduct constituting a Class A, B or C crime, kidnapping or
35 criminal restraint;

36 (4) Accuse some person of a crime or cause criminal charges or deportation
37 proceedings to be instituted against some person;

1 examples is to ensure that the statute prohibits so-called sex trafficking. Aggravated
2 promotion of prostitution is a Class B crime.