

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 379

S.P. 147

In Senate, February 12, 2015

**An Act To Create the Sex Offender Management and Risk
Assessment Advisory Commission**

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
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative FOWLE of Vassalboro and
Senators: BURNS of Washington, DILL of Penobscot, DUTREMBLE of York, GERZOFISKY
of Cumberland, ROSEN of Hancock, VALENTINO of York.

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§4-C** is enacted to read:

3 **4-C.**

4	<u>Corrections</u>	<u>Sex Offender</u>	<u>Not Authorized</u>	<u>34-A MRSA §11401</u>
5		<u>Management and</u>		
6		<u>Risk Assessment</u>		
7		<u>Advisory</u>		
8		<u>Commission</u>		

9 **Sec. 2. 5 MRSA §12004-I, sub-§74-G**, as enacted by PL 2011, c. 663, §1, is
10 repealed.

11 **Sec. 3. 17-A MRSA c. 57**, as amended, is repealed.

12 **Sec. 4. 34-A MRSA c. 19** is enacted to read:

13 **CHAPTER 19**
14 **SEX OFFENDER MANAGEMENT AND RISK ASSESSMENT ADVISORY**
15 **COMMISSION**

16 **§11401. Establishment**

17 The Sex Offender Management and Risk Assessment Advisory Commission, referred
18 to in this chapter as "the commission," established by Title 5, section 12004-I, subsection
19 4-C, is created for the purpose of conducting a continuing study of methods that may be
20 used to predict the risk of recidivism by a sex offender and to develop a method that may
21 be used for such purposes. For purposes of this chapter, "sex offender" has the same
22 meaning as "offender" in section 11273, subsection 10. For purposes of this chapter,
23 "registrant" has the same meaning as in section 11273, subsection 11.

24 **§11402. Membership; terms; vacancies**

25 **1. Composition; qualifications.** The commission is composed of 7 members,
26 appointed by the Attorney General. The members may be qualified by reason of their
27 expertise in sex offender matters, including but not limited to risk assessment methods,
28 corrections, sex offender law and the prosecution or defense of sex offender crimes.

29 **2. Terms.** Members of the commission serve for a term of 2 years and may be
30 reappointed. Members continue to serve until their replacements are designated.

31 **3. Vacancy.** In the event of the death or resignation of a member, the Attorney
32 General shall appoint a member to complete the unexpired term.

33 **§11403. Duties; powers**

34 **1. Development of risk assessment.** The commission shall:

1 A. Develop a plausible risk assessment method for reviewing and analyzing
2 precursors to the commission of a sex offense, victim populations of sex offenders,
3 living conditions and environment of a registrant or a sex offender and other factors
4 predisposing a person to become a registrant or a sex offender and for the ongoing
5 purpose of identifying risk factors;

6 B. Continue to evaluate the plausibility, implementation and application of sex
7 offender risk assessments; and

8 C. Consult with experts in the field of sex offender matters, including but not limited
9 to state or federal agencies, courts, correctional facilities, organizations whose affairs
10 pertain to sex offender matters and other interested parties as the commission
11 determines necessary.

12 **2. Recommendations.** The commission may study and make policy
13 recommendations regarding sex offender risk assessment and management to agencies of
14 the executive branch, the judicial branch and the Legislature or to any other entity the
15 commission determines appropriate.

16 **3. Review laws; legislation.** The commission shall examine the sex offender
17 registration and notification laws and any other state laws pertaining to sex offender risk
18 assessment and management and may submit to the Legislature, at the start of each
19 legislative session, such changes to those laws as the commission determines appropriate.

20 **4. Funding.** The commission may accept funds from the Federal Government, from
21 a political subdivision of the State or from an individual, foundation or corporation and
22 may expend these funds for purposes that are consistent with this section.

23 **§11404. Organization; meetings**

24 The Attorney General shall notify all members of the commission of the time and
25 place of the first meeting of the commission. At that meeting, the commission shall elect
26 a chair, vice-chair and secretary-treasurer and adopt provisions regarding the
27 administration of the commission and its affairs. The commission may meet as frequently
28 as the commission determines necessary.

29 **§11405. Expenses**

30 Members of the commission may not be compensated for expenses incurred or
31 related to the activities of the commission.

32 **Sec. 5. Transition.** The Sex Offender Management and Risk Assessment
33 Advisory Commission created pursuant to this Act is the successor in every way to the
34 powers, duties and functions of the Sex Offender Risk Assessment Advisory Commission
35 established pursuant to the Maine Revised Statutes, Title 5, section 12004-I, former
36 subsection 74-G and set out in Title 17-A, former chapter 57, and members of the Sex
37 Offender Risk Assessment Advisory Commission on the effective date of this Act
38 continue as members of the Sex Offender Management and Risk Assessment Advisory
39 Commission until the expiration of their terms pursuant to Title 17-A, former section
40 1402.

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SUMMARY

This bill moves the law establishing the Sex Offender Risk Assessment Advisory Commission from the Maine Revised Statutes, Title 17-A to Title 34-A and changes the name of the commission to the Sex Offender Management and Risk Assessment Advisory Commission. The bill also makes changes to the provisions of law regarding the commission's powers and duties by requiring the commission to study and offer amendments to the sex offender registration and notification laws and by allowing the commission to accept funding.