

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1953

S.P. 689

In Senate, February 3, 2022

**An Act To Fix Inconsistencies within the Sex Offender Registration
and Notification Act of 2013**

(EMERGENCY)

Reported by Senator DESCHAMBAULT of York for the Sex Offender Management and Risk Assessment Advisory Commission pursuant to the Maine Revised Statutes, Title 34-A, section 11403, subsection 3.

Received by the Secretary of the Senate on February 1, 2022. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation is necessary to correct errors in laws passed in the last
4 legislative session; and

5 **Whereas,** the corrections made by this legislation are necessary to maintain a
6 consistent system within the Sex Offender Registration and Notification Act of 2013; and

7 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore,

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

12 **Sec. 1.** 34-A MRSA §11273, sub-§14, ¶E, as enacted by PL 2011, c. 663, §3, is
13 amended to read:

- 14 E. Title 17-A, section 855, subsection 1, paragraph A; ~~and, if:~~
- 15 (1) The crime is committed before October 18, 2021; and
- 16 (2) The person is convicted of the crime without regard to whether the person who
17 sought the prostitution knew or believed that the person whose prostitution was
18 sought had not attained 18 years of age; and

19 **Sec. 2.** 34-A MRSA §11273, sub-§15, ¶C, as amended by PL 2021, c. 447, §5, is
20 further amended to read:

- 21 C. Title 17-A, section 855, subsection 1, paragraph A; ~~and, if:~~
- 22 (1) The crime is committed on or after October 18, 2021; or
- 23 (2) Both:
 - 24 (a) The crime is committed before October 18, 2021; and
 - 25 (b) The person who sought the prostitution knew that the person whose
26 prostitution was sought had not attained 18 years of age; and

27 **Sec. 3.** 34-A MRSA §11273, sub-§16, ¶D-1 is enacted to read:
28 D-1. Title 17-A, section 852, subsection 1-A, if the crime is committed on or after
29 March 1, 2022;

30 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
31 takes effect when approved.

32 **SUMMARY**

33 This bill, which is being submitted by the Sex Offender Management and Risk
34 Assessment Advisory Commission, amends the Sex Offender Registration and Notification
35 Act of 2013 to fix inconsistencies in the law introduced when that Act was recently
36 amended. The bill also provides that a violation of the statute prohibiting the promotion of
37 prostitution of certain minors, added in 2021, is a Tier III offense.