

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Criminal Justice and Public Safety*

May 2004

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Maine State Legislature



*Office Of Policy And Legal Analysis
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*121st Maine Legislature
Second Regular Session and
Second Special Session*

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla/billsumm.htm).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY	Ruled out of order by the presiding officers; bill died
INDEF PP	Bill Indefinitely Postponed
ONTP.....	Ought Not To Pass report accepted
OTP-ND	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

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House Amendment "A" (H-976) proposed to strike the emergency preamble and the emergency clause from the bill.

Senate Amendment "A" (S-571) proposed to amend the bill to conform to the study guidelines approved by the Legislative Council. Specifically, the amendment proposed to specify that the commission is authorized to meet only 4 more times and to report its findings to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by November 3, 2004, instead of by January 1, 2005.

Enacted Law Summary

Public Law 2003, chapter 707 increases from 17 to 23 the membership of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was created pursuant to Public Law 2003, chapter 451. The new members added include a representative of the Maine Chiefs of Police Association; domestic violence and sexual assault victims service providers; the Commissioner of Inland Fisheries and Wildlife; and one senator representing the 2nd-largest political party in the Senate and one representative representing the 2nd-largest political party in the House of Representatives. Legislators may continue to serve on the commission, even if not reelected to serve in the Legislature in November 2004. Public Law 2003, chapter 707 also extends the life of the commission to January 2005, authorizing 4 additional meetings and a final report, including legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

LD 1903

An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability

PUBLIC 711

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-860 H-884 BLANCHETTE S-601 CATHCART

LD 1903 proposed to implement the recommendations of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was established pursuant to Public Law 2003, chapter 451. The bill proposed to do the following:

1. Expand the responsibility of the Judicial Branch's Drug Coordinator to include all criminal diversion programs and changes the title of the position to "Coordinator of Diversion and Rehabilitation Programs;"
2. Increase the monetary threshold for classification of theft crimes for Class C and Class D crimes, including the crimes of forgery and negotiating a worthless instrument;
3. Decrease from a Class C to a Class D crime burglary of a motor vehicle;
4. Decrease from a Class C to a Class D crime an inmate's failure to appear for work, school or a meeting with the inmate's supervising officer while the inmate is on intensive supervision or supervised community confinement;

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5. Create 2 new sentencing alternatives, deferred disposition and administrative release, and authorize the court to convert probation to administrative release;
6. Restrict the use of probation for Class D and Class E crimes to only those crimes involving domestic violence, sex offenses and repeat OUI offenses.
7. Reduce for all crimes, except those under the Maine Revised Statutes, Title 17-A, chapter 11 and Title 17-A, section 854, excluding subsection 1, paragraph A, subparagraph (1) of that section, the length of time a person may be sentenced to probation to 4 years for a Class A crime, 3 years for a Class B crime and 2 years for a Class C crime;
8. Grant the sentencing court the authority to deviate from a mandatory minimum sentence and mandatory minimum fine in those circumstances when the court determines that the mandatory fine or sentence would create a substantial injustice and the deviation would not diminish the gravity of the offense or adversely affect the public safety. The court must consider specific factors before deviating from the mandatory minimum;
9. Require a notice of a defendant's release sent to a victim to include a phone number or address of a publicly accessible site on the Internet so the victim can learn the earliest possible date of the expiration of the imprisonment portion of the defendant's sentence;
10. Provide that a person who is entitled to a deduction from that person's sentence for time spent in detention may be given additional detention credit for good behavior during the time spent in detention;
11. Increase the amount of good behavior good time that may be awarded from 2 to 4 days, except for persons convicted of gross sexual assault or murder;
12. Expand the concept of good time earned for work to include good time earned for education and rehabilitation and increase the amount that may be awarded from 3 to 5 days for prisoners in state facilities participating in community programs;
13. Reward counties that use 50% of their community corrections program funding on diversion programs by reallocating funds from counties that do not comply with the requirement to use 20% of their funds on community corrections programs;
14. Direct the Department of Behavioral and Developmental Services, the Department of Corrections and county sheriffs to develop a joint plan of action to address mental illness in the criminal justice community;
15. Place a moratorium on any amendments to the Maine Criminal Code with the exception of changes recommended by the Commission to Improve Community Safety and Sex Offender Accountability;
16. Direct the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners to undertake a study to determine the impacts of Maine's sentencing laws on inmate population and direct the Criminal Law Advisory Commission to assist the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners with a review of all minimum mandatory sentences and to propose amending any it finds are no longer necessary;

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17. Direct the Department of Corrections to maximize early termination of probation under current law, with appropriate victim notice and urge judges to give deference to applications for early termination of probation; and
18. Appropriate funding to carry out the purposes of this bill.

Committee Amendment "A" (H-860) proposed to replace the bill and combine the recommendations of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the recommendations of the Commission to Improve Community Safety and Sex Offender Accountability, which was established pursuant to Resolve 2003, chapter 75. The amendment also proposed to incorporate proposed changes to LD 617, "An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register" and LD 1729, "An Act to Strengthen the Sex Offender Registration and Notification Act of 1999."

Part A of the amendment proposed to incorporate the recommendations of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners. Part A of the amendment proposed to do the following:

1. Expand the responsibility of the judicial branch's Drug Coordinator to include all criminal diversion programs and change the title of the position to "Coordinator of Diversion and Rehabilitation Programs;"
2. Remove from the bill language that proposed to increase the monetary threshold for certain theft offenses;
3. Repeal and replace the section of law regarding the crime of burglary of a motor vehicle, breaking the crime into a Class C offense if the burglary involves a forcible entry and a Class D offense if there is no force used in entering the vehicle;
4. Amend the section of law regarding the Class C crime of escape by removing from the crime an inmate's failure to appear for work, school or a meeting with the inmate's supervising officer while that inmate is on intensive supervision or supervised community confinement. The amendment proposed to make failure to do any of these an administrative violation under the Department of Corrections;
5. Create 2 new sentencing alternatives. Deferred disposition may be used for certain persons who have pled guilty to a Class C, Class D or Class E crime. Administrative release may be used for certain persons who have been convicted of a Class D or Class E crime. The amendment proposed to authorize the court to convert probation to administrative release and authorize the use of bail for deferred disposition;
6. Restrict the use of probation for Class D and Class E crimes to those crimes involving domestic violence, sex offenses and repeat OUI offenses;
7. Reduce for all crimes, except those involving domestic violence and sex offenses, the length of time a person may be sentenced to probation to 4 years for Class A crimes, 3 years for Class B crimes and 2 years for Class C crimes. Sex offenses and crimes involving domestic violence continue to be eligible for probation not to exceed 6 years for Class A crimes and not to exceed 4 years for Class B crimes and Class C crimes;
8. Clarify that, once a period of probation has commenced, the court has authority to terminate that probation at any time;
9. Remove from the bill language that proposed to grant the sentencing court the authority to deviate from a mandatory minimum sentence and mandatory minimum fine in those circumstances when the court determined

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that the mandatory fine or sentence would create a substantial injustice and the deviation would not diminish the gravity of the offense or adversely affect public safety;

10. Remove from the bill language that proposed to require that a notice of a defendant's release sent to a victim include a phone number or address of a publicly accessible site on the Internet so the victim can learn the earliest possible date of the expiration of the imprisonment portion of the defendant's sentence;
11. Provide that a person who is entitled to a deduction from that person's sentence for time spent in detention may be given additional detention credit of up to 2 days per month for good behavior during the time spent in detention;
12. Except for persons who commit murder, sex offenses or crimes involving domestic violence, increase the amount of good behavior good time that may be awarded from 2 to 4 days. The increase in good time may be applied to persons who commit crimes on or after August 1, 2004. Persons convicted of the excepted crimes continue to be eligible for a total of only 5 days of good time per month as allowed under current law. The 5-day total includes a combination of good behavior and meritorious good time;
13. Except for persons who commit murder, sex offenses or crimes involving domestic violence, expand the concept of good time earned for work to include good time earned for education and rehabilitation and increase the amount that may be awarded from 3 to 5 days for prisoners in state facilities participating in community programs. The increase in good time may be applied to persons who commit crimes on or after August 1, 2004. Again, persons convicted of the excepted crimes continue to be eligible for a total of only 5 days of good time per month as allowed under current law. The 5-day total includes a combination of good behavior and meritorious good time. The amendment proposed that those eligible for the increases in good time may earn up to a total of 9 days per month;
14. Preclude a court, in setting the appropriate length of a term of imprisonment, from factoring in the potential impact of good time deductions provided under the Maine Revised Statutes, Title 17-A, section 1253, except in cases in which the parties jointly recommend a "time served" sentence or recommend a sentence in which the total term of imprisonment or an unsuspended portion of that term has been calculated to achieve a specific projected release date;
15. Replace the proposed language regarding community corrections funds and direct each county to provide documentation verifying to the Department of Corrections that 20% of its funds under the County Jail Prisoner Support and Community Corrections Fund were expended on community corrections in order to receive that 20% of its distribution in the following year. The amendment proposed that if a county cannot verify the required expenditure, that county's 20% will be distributed to the counties that are in compliance, based on the percentage distribution rate described in Title 34-A, section 1210-A, subsection 3;
16. Give the Commissioner of Corrections authority to place on supervised community confinement a prisoner with 2 years of incarceration remaining, if that prisoner meets all other eligibility requirements for supervised community confinement. However, the amendment proposed that the commissioner may not use this expanded authority until the average statewide probation caseload is no more than 90 probationers to one probation officer;
17. Amend the reporting requirements of the bill that direct the Department of Corrections and the Department of Behavioral and Developmental Services to create a plan of action to address mental illness in the criminal justice system. The amendment proposed to direct the departments to report to the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners by July 1, 2004 and to report to the joint

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standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 2005;

18. Remove from the bill language that proposed to place a one-year moratorium on changes to the Maine Criminal Code;
19. Remove from the bill language that proposed to require the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, in cooperation with the Criminal Law Advisory Commission, to review, assess and make recommendations regarding the impacts of sentencing and minimum mandatory sentences; and
20. Request that, by May 1, 2005, the courts and the district attorneys, within existing resources, report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters the following: how often the sentencing alternatives of deferred disposition and administrative release were used and an assessment of the effectiveness of these alternatives in ensuring the accountability and rehabilitation of offenders, as well as any impact on recidivism rates; the impact of the use of deferred disposition and administrative release on the resources of the courts; the impact of the use of deferred disposition and administrative release on the resources of the district attorneys; and any recommendations regarding how to improve the procedures for imposing and enforcing the sentencing alternatives of deferred disposition and administrative release.

Parts B, C and D of Committee Amendment “A” to LD 1903 proposed to incorporate the recommendations of the Commission to Improve Community Safety and Sex Offender Accountability and the proposed changes to LD 617, “An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register” and LD 1729, “An Act to Strengthen the Sex Offender Registration and Notification Act of 1999.” Specifically, Part B proposed to do the following:

1. Repeal the chapter dealing with sexual exploitation of minors, Title 17, chapter 93-B, reenact it as Title 17-A, chapter 12 and correct related cross-references;
2. Raise the classification of sex crimes committed against children who have not attained 12 years of age. Without imposing new minimum mandatory sentences, the amendment proposed to provide courts, when victims are under 12 years of age, with an increased potential range of penalties by raising by one class the following crimes:
 - A. Unlawful sexual contact when the actor is at least 3 years older than the victim, from a Class C crime to a Class B crime, and when the actor is at least 3 years older than the victim and there is penetration, from a Class B crime to a Class A crime;
 - B. Visual sexual aggression against a child, only when the person acts for the purpose of arousing or gratifying sexual desire, from a Class D crime to a Class C crime;
 - C. Sexual misconduct with a child, from a Class D crime to a Class C crime;
 - D. Solicitation of a child by computer to commit a prohibited act, from a Class D crime to a Class C crime;
 - E. Sexual exploitation of a minor, from a Class B crime to a Class A crime;

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- F. Dissemination of sexually explicit materials, from a Class C crime to a Class B crime for the first offense and from a Class B crime to a Class A crime for a subsequent offense; and
 - G. Possession of sexually explicit materials, from a Class D crime to a Class C crime and from a Class C crime to a Class B crime for a subsequent offense;
3. Increase the period of probation for persons convicted of sex crimes committed against children who have not attained 12 years of age. Without imposing minimum mandatory sentences, the amendment proposed to provide courts, when victims are under 12 years of age, with an increased potential range of penalties by increasing periods of probation for persons convicted under Title 17-A, chapter 11 or 12 as follows:
 - A. For a person convicted of a Class A crime, a period of probation not to exceed 18 years;
 - B. For a person convicted of a Class B crime, a period of probation not to exceed 12 years; and
 - C. For a person convicted of a Class C crime, a period of probation not to exceed 6 years;
 4. Authorize the court to sentence a person to probation for life if the person commits gross sexual assault against a person under 12 years of age and that person has a prior conviction for committing gross sexual assault, rape or gross sexual misconduct against a victim who had not attained 12 years of age at the time of the offense. The amendment also proposed to require the court to attach, as a condition of probation, the requirement that the person participate in counseling or treatment to the satisfaction of the probation officer;
 5. Require the court, when exercising its sentencing discretion, to give serious consideration to the fact that a person convicted of a Class A crime of gross sexual assault also has a previous conviction for a Class B or Class C crime of unlawful sexual contact, if the State pleads and proves that fact;
 6. Require the court, when exercising its sentencing discretion, to give serious consideration to the fact that a person convicted of a crime under Title 17-A, section 253, subsection 1, paragraph C or Title 17-A, section 282, subsection 1, paragraph C or F committed the crime against a person who had not attained 12 years of age, if the State pleads and proves that fact; and
 7. Rename “dangerous sexual offender,” defined in Title 17-A, section 1252, subsection 4-B, as “repeat sexual assault offender.”

Part C proposed to do the following:

1. Change the names of registration categories in the Sex Offender Registration and Notification Act of 1999, also known as the “SORNA of 1999,” from “sexually violent predators” and “sex offenders” to “lifetime registrants” and “10-year registrants,” respectively and correct references in other titles;
2. Move the 2 Class D unlawful sexual contact offenses that currently require lifetime registration to the 10-year registration category;
3. In the SORNA of 1999, amend the definition of “domicile” and create the new definition “residence” for the purpose of better tracking and verifying the location of persons who must register. It also proposes to amend the definitions of “sex offense” and “sexually violent offense” to more accurately comply with the federal registration guidelines, including adding to the list of registerable offenses the former crime of rape, restoring the

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former crimes of unlawful sexual contact and solicitation of a child by computer to commit a prohibited act, moving from the definition of “sex offense” to “sexually violent offense” the crimes of unlawful sexual contact that involve penetration and adding newly created offenses. The amendment also proposes to specify that for purposes of registration, criminal restraint and kidnapping committed by a parent are not registerable offenses and to add the following new definitions: “another state,” “registrant,” “jurisdiction,” and “tribe” to be more consistent with federal law;

4. Decrease the time period that registrants must register or update registration information with the State Bureau of Identification from 10 days to 5 and add the requirement that a registrant must notify the law enforcement agency having jurisdiction where the person must register or update registration information within 24 hours;
5. Authorize the State to suspend the requirement that a sex offender or sexually violent predator register during any period in which the registrant leaves the State, establishes a domicile in another state and remains physically absent from the State; and
6. Leave unchanged the annual fee paid by a person who must register under the SORNA of 1999.

Part D proposed to do the following:

1. Direct the Department of Behavioral and Developmental Services, the Department of Human Services, the Department of Corrections and the Department of Public Safety, in cooperation with the Child Abuse Action Network and the Maine Coalition Against Sexual Assault to:
 - A. Identify the subpopulation of potential offenders or young persons at risk of offending because they have been sexually or physically abused or face a significant mental health disability, with recognition of the fact that over 95% of sex offenders are male;
 - B. Identify the types of prevention and treatment currently known to work with these young persons;
 - C. Coordinate prevention and education efforts with the goal of seeking coordinated services to transition at-risk youth to healthy adulthood; and
 - D. Report findings to the joint standing committees of the Legislature having jurisdiction over health and human services matters and criminal justice and public safety matters;
2. Incorporate the Criminal Law Advisory Commission's proposed changes to definitions under the Sex Offender Registration and Notification Act of 1999;
3. Make all changes to the Sex Offender Registration and Notification Act of 1999 retroactive to June 30, 1992; and
4. Add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-875) proposed to expand the list of Class D and Class E offenses for which probation may continue to be imposed to include:

1. A Class D or Class E crime that was initially charged by the attorney for the State as a Class A, Class B or Class C crime;

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2. A Class D crime committed by a person who has a prior conviction for a Class A, Class B, Class C or Class D crime under the Maine Revised Statutes, Title 17-A; a prior conviction under the laws governing operating under the influence; or a prior conviction under the laws governing habitual offenders;
3. A Class D crime for failure to control or report a dangerous fire;
4. A Class D crime for possession of a schedule W drug; and
5. A Class D crime for cruelty to animals.

The amendment also proposed to expand the list of Class A, Class B and Class C offenses for which the current statutory length of probation may be imposed. The amendment proposed that the current statutory length of probation may be imposed if the State pleads and proves that a person was convicted of a Class A, Class B or Class C crime and has a prior conviction for a Class A, Class B, Class C or Class D crime under the Maine Revised Statutes, Title 17-A, a prior conviction under the laws governing operating under the influence or a prior conviction under the laws governing habitual offenders. The amendment also proposed that the current statutory length of probation may be imposed if the State pleads and proves that a person was convicted of unlawful trafficking in a schedule W drug, aggravated trafficking of scheduled drugs or certain offenses involving possession of a schedule W drug.

The amendment further proposed to provide that a person sentenced to a term of imprisonment may receive a reduction in that term of imprisonment of up to 3 days per calendar month for good behavior and up to 2 days per calendar month for fulfillment of responsibilities assigned in the person's transition plan for work, education or rehabilitation programs. With these changes, the amendment proposed that a person may earn a total of 7 days of good time per calendar month after sentence and commitment, as compared to 9 days per calendar month in Committee Amendment "A." This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-884) proposed to correct a drafting error by removing contradictory language regarding the use of bail for deferred disposition.

Senate Amendment "A" to Committee Amendment "A" (S-601) proposed to change the date by which the courts, in consultation with the district attorneys, are requested to report to the Legislature from May 1, 2005 to September 30, 2005. This amendment proposed to eliminate the appropriation that was associated with preparation of that report in fiscal year 2004-05 and to move those costs to fiscal year 2005-06. The amendment proposed to strike sections 23 and 24 from Part A of the Committee Amendment and to require the Office of Substance Abuse and the Department of Public Safety, in consultation with the district attorneys, to prepare a preliminary report regarding deferred disposition and administrative release.

Enacted Law Summary

Public Law 2003, chapter 711 combines the recommendations of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was established pursuant to Public Law 2003, chapter 451 and the recommendations of the Commission to Improve Community Safety and Sex Offender Accountability, which was established pursuant to Resolve 2003, chapter 75. Public Law 2003, chapter 711 also incorporates proposed changes to LD 617, "An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register" and LD 1729, "An Act to Strengthen the Sex Offender Registration and Notification Act of 1999."

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Public Law 2003, chapter 711 makes the following changes to the laws regarding sentencing, corrections and sex offender registration and notification.

1. It expands the responsibility of the judicial branch's Drug Coordinator to include all criminal diversion programs and changes the title of the position to "Coordinator of Diversion and Rehabilitation Programs."
2. It repeals and replaces the section of law regarding the crime of burglary of a motor vehicle, breaking the crime into a Class C offense if the burglary involves a forcible entry and a Class D offense if there is no force used in entering the vehicle.
3. It amends the section of law regarding the Class C crime of escape by removing from the crime an inmate's failure to appear for work, school or a meeting with the inmate's supervising officer while that inmate is on intensive supervision or supervised community confinement. Failure to do any of these becomes an administrative violation under the Department of Corrections.
4. It creates 2 new sentencing alternatives. Deferred disposition may be used for certain persons who have pled guilty to a Class C, Class D or Class E crime. Administrative release may be used for certain persons who have been convicted of a Class D or Class E crime. The court may convert probation to administrative release and authorize the use of bail for deferred disposition.
5. It restricts the use of probation for Class D and Class E crimes to those crimes involving domestic violence, sex offenses and repeat OUI offenses.
6. It reduces for all crimes, except those involving domestic violence and sex offenses, the length of time a person may be sentenced to probation to 4 years for Class A crimes, 3 years for Class B crimes and 2 years for Class C crimes. Sex offenses and crimes involving domestic violence continue to be eligible for probation not to exceed 6 years for Class A crimes and not to exceed 4 years for Class B crimes and Class C crimes.
7. It clarifies that, once a period of probation has commenced, the court has authority to terminate that probation at any time.
8. It provides that a person who is entitled to a deduction from that person's sentence for time spent in detention may be given additional detention credit of up to 2 days per month for good behavior during the time spent in detention.
9. Except for persons who commit murder, sex offenses or crimes involving domestic violence, it increases the amount of good behavior good time that may be awarded from 2 to 4 days. The increase in good time may be applied to persons who commit crimes on or after August 1, 2004. Persons convicted of the excepted crimes continue to be eligible for a total of only 5 days of good time per month as allowed under current law. The 5-day total includes a combination of good behavior and meritorious good time.
10. Except for persons who commit murder, sex offenses or crimes involving domestic violence, it expands the concept of good time earned for work to include good time earned for education and rehabilitation and increases the amount that may be awarded from 3 to 5 days for prisoners in state facilities participating in community programs. The increase in good time may be applied to persons who commit crimes on or after August 1, 2004. Again, persons convicted of the excepted crimes continue to be eligible for a total of only 5 days of good time per month as allowed under current law. The 5-day total includes a combination of good behavior and

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meritorious good time. Those eligible for the increases in good time may earn up to a total of 9 days per month.

11. It precludes a court, in setting the appropriate length of a term of imprisonment, from factoring in the potential impact of good time deductions provided under the Maine Revised Statutes, Title 17-A, section 1253, except in cases in which the parties jointly recommend a "time served" sentence or recommend a sentence in which the total term of imprisonment or an unsuspended portion of that term has been calculated to achieve a specific projected release date.
12. It amends language regarding community corrections funds to direct each county to provide documentation verifying to the Department of Corrections that 20% of its funds under the County Jail Prisoner Support and Community Corrections Fund were expended on community corrections in order to receive that 20% of its distribution in the following year. If a county cannot verify the required expenditure, that county's 20% will be distributed to the counties that are in compliance, based on the percentage distribution rate described in Title 34-A, section 1210-A, subsection 3.
13. It gives the Commissioner of Corrections authority to place on supervised community confinement a prisoner with 2 years of incarceration remaining, if that prisoner meets all other eligibility requirements for supervised community confinement. However, the commissioner may not use this expanded authority until the average statewide probation caseload is no more than 90 probationers to one probation officer.
14. It directs the Department of Corrections and the Department of Behavioral and Developmental Services to create a plan of action to address mental illness in the criminal justice system. The departments must report to the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners by July 1, 2004 and report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 2005.
15. It requests that, by September 30, 2005, the courts, in consultation with the district attorneys, report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters the following: how often the sentencing alternatives of deferred disposition and administrative release were used and an assessment of the effectiveness of these alternatives in ensuring the accountability and rehabilitation of offenders, as well as any impact on recidivism rates; the impact of the use of deferred disposition and administrative release on the resources of the courts; the impact of the use of deferred disposition and administrative release on the resources of the district attorneys; and any recommendations regarding how to improve the procedures for imposing and enforcing the sentencing alternatives of deferred disposition and administrative release. It also requires that by February 1, 2005 the Office of Substance Abuse, in consultation with the district attorneys, make a preliminary report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the implementation of the sentencing alternatives.
16. It repeals the chapter dealing with sexual exploitation of minors, Title 17, chapter 93-B and reenacts it as Title 17-A, chapter 12 and corrects cross-references.
17. It raises the classification of sex crimes committed against children who have not attained 12 years of age. Without imposing new minimum mandatory sentences, Public Law 2003, chapter 711 provides courts, when victims are under 12 years of age, with an increased potential range of penalties by raising by one class the following crimes:

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- A. Unlawful sexual contact when the actor is at least 3 years older than the victim, from a Class C crime to a Class B crime, and when the actor is at least 3 years older than the victim and there is penetration, from a Class B crime to a Class A crime;
 - B. Visual sexual aggression against a child, only when the person acts for the purpose of arousing or gratifying sexual desire, from a Class D crime to a Class C crime;
 - C. Sexual misconduct with a child, from a Class D crime to a Class C crime;
 - D. Solicitation of a child by computer to commit a prohibited act, from a Class D crime to a Class C crime;
 - E. Sexual exploitation of a minor, from a Class B crime to a Class A crime;
 - F. Dissemination of sexually explicit materials, from a Class C crime to a Class C crime for the first offense and from a Class B crime to a Class A crime for a subsequent offense; and
 - G. Possession of sexually explicit materials, from a Class D crime to a Class C crime and from a Class C crime to a Class B crime for a subsequent offense.
18. It increases the period of probation for persons convicted of sex crimes committed against children who have not attained 12 years of age. Without imposing minimum mandatory sentences, Public Law 2003, chapter 711 provides courts, when victims are under 12 years of age, with an increased potential range of penalties by increasing periods of probation for persons convicted under Title 17-A, chapter 11 or 12 as follows:
- A. For a person convicted of a Class A crime, a period of probation not to exceed 18 years;
 - B. For a person convicted of a Class B crime, a period of probation not to exceed 12 years; and
 - C. For a person convicted of a Class C crime, a period of probation not to exceed 6 years.
19. It authorizes the court to sentence a person to probation for life if the person commits gross sexual assault against a person under 12 years of age and that person has a prior conviction for committing gross sexual assault, rape or gross sexual misconduct against a victim who had not attained 12 years of age at the time of the offense. Public Law 2003, chapter 711 also requires the court to attach, as a condition of probation, the requirement that the person participate in counseling or treatment to the satisfaction of the probation officer.
20. It requires the court, when exercising its sentencing discretion, to give serious consideration to the fact that a person convicted of a Class A crime of gross sexual assault also has a previous conviction for a Class B or Class C crime of unlawful sexual contact, if the State pleads and proves that fact.
21. It requires the court, when exercising its sentencing discretion, to give serious consideration to the fact that a person convicted of a crime under Title 17-A, section 253, subsection 1, paragraph C or Title 17-A, section 282, subsection 1, paragraph C or F committed the crime against a person who had not attained 12 years of age, if the State pleads and proves that fact.
22. It renames "dangerous sexual offender," defined in Title 17-A, section 1252, subsection 4-B, as "repeat sexual assault offender."

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23. It changes the names of registration categories in the Sex Offender Registration and Notification Act of 1999, also known as the "SORNA of 1999," from "sexually violent predators" and "sex offenders" to "lifetime registrants" and "10-year registrants," respectively and corrects references in other titles.
24. It moves the 2 Class D unlawful sexual contact offenses that currently require lifetime registration to the 10-year registration category.
25. In the SORNA of 1999 it amends the definition of "domicile" and creates the new definition "residence" for the purpose of better tracking and verifying the location of persons who must register. It amends the definitions of "sex offense" and "sexually violent offense" to more accurately comply with the federal registration guidelines, including adding to the list of registerable offenses the former crime of rape, restoring the former crimes of unlawful sexual contact and solicitation of a child by computer to commit a prohibited act, moving from the definition of "sex offense" to "sexually violent offense" the crimes of unlawful sexual contact that involve penetration and adding newly created offenses. It also specifies that for purposes of registration, criminal restraint and kidnapping committed by a parent are not registerable offenses. Public Law 2003, chapter 711 also adds the following new definitions: "another state," "registrant," "jurisdiction," and "tribe" to be more consistent with federal law.
26. It decreases the time period that registrants must register or update registration information with the State Bureau of Identification from 10 days to 5 and adds the requirement that a registrant must notify the law enforcement agency having jurisdiction where the person must register or update registration information within 24 hours.
27. It authorizes the State to suspend the requirement that a sex offender or sexually violent predator register during any period in which the registrant leaves the State, establishes a domicile in another state and remains physically absent from the State.
28. It directs the Department of Behavioral and Developmental Services, the Department of Human Services, the Department of Corrections and the Department of Public Safety, in cooperation with the Child Abuse Action Network and the Maine Coalition Against Sexual Assault to:
 - A. Identify the subpopulation of potential offenders or young persons at risk of offending because they have been sexually or physically abused or face a significant mental health disability, with recognition of the fact that over 95% of sex offenders are male;
 - B. Identify the types of prevention and treatment currently known to work with these young persons;
 - C. Coordinate prevention and education efforts with the goal of seeking coordinated services to transition at-risk youth to healthy adulthood; and
 - D. Report findings to the joint standing committees of the Legislature having jurisdiction over health and human services matters and criminal justice and public safety matters.