

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
130<sup>TH</sup> LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE  
AND PUBLIC SAFETY**

December 2021

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# JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

## LD 536 An Act To Amend the Maine Criminal Code

### ENACTED LAW SUMMARY

Public Law 2021, chapter 299 amends the Maine Criminal Code. The law was proposed as by the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2. The law does the following.

1. The law amends Title 17-A, section 2016 to make it consistent with existing law in Title 17-A, section 2009 with respect to disposition of funds by correctional facilities when they hold funds for the purposes of restitution and the victim cannot be located. Current Title 17-A, section 2016 requires the facility to notify the court and the court to determine distribution of the funds. The law requires the facility to forward the funds to the Treasurer of State to be handled as unclaimed property, consistent with current Title 17-A, section 2009.
2. The law separates two variants of kidnapping which are included in the same subparagraph in Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3) into separate subparagraphs for:
  - A. Restraining a person with intent to commit bodily injury; and
  - B. Restraining a person with intent to commit a sexual assault.

The law amends the Sex Offender Registration and Notification Act of 2013 to clarify that, beginning January 1, 2022, kidnapping with intent to commit sexual assault, and not kidnapping with intent to commit bodily injury, qualifies as a Tier III offense under that Act.

The law also clarifies that, beginning January 1, 2022, kidnapping with intent to commit sexual assault, and not kidnapping with intent to commit bodily injury, renders a person ineligible for interment in the Maine Veterans' Memorial Cemetery System.

3. The law amends Title 17-A, section 1111-B, which provides an exemption from criminal liability for reporting a drug-related medical emergency or administering naloxone hydrochloride. The law clarifies that immunity from revocation of probation is limited to the same conduct for which there is immunity from prosecution under the law protecting persons seeking medical assistance or administering naloxone hydrochloride or experiencing a drug-related overdose.
4. The law repeals a section of law in Title 17-A, chapter 11 on factors aiding in predicting high-risk sex offenders for sentencing purposes, leaving individual risk assessment at sentencing to the judgment of the court.