

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in Part B by striking out all of section 2 and inserting the following:

**Sec. B-2. 34-A MRSA §11202**, as repealed and replaced by PL 2005, c. 423, §1, is further amended to read:

### **§ 11202.Application**

~~This~~Unless excepted under section 11202-A, ~~this~~ chapter applies to:

**1. Maine.** A person sentenced in this State on or after January 1, 1982 for a sex offense or a sexually violent offense as an adult or as a juvenile sentenced as an adult; and

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

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

B. On or after January 1, 1982, of an offense that contains the essential elements of a sex offense or sexually violent offense; ~~or~~

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

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

(2) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248.

**Sec. B-3. 34-A MRSA §11202-A** is enacted to read:

### **§ 11202-A. Exception**

**1. Exception.** Notwithstanding section 11202, a person sentenced on or after January 1, 1982 and prior to June 30, 1992 is not required to register under this chapter if that person submits to the bureau, in a form to be determined by the bureau, documentation to establish the following:

A. The person was finally discharged from the correctional system prior to September 1, 1998;

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

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

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

E. Subsequent to the commission of the offense, the person has not been convicted of a crime under Title 17 or Title 17-A in this State that is punishable by imprisonment for a term of one year or more; and

F. Subsequent to the commission of the offense, the person has not been convicted under the laws of any other jurisdiction of a crime that is punishable by a term of imprisonment exceeding one year. This paragraph does not include a crime under the laws of another jurisdiction that is classified by the laws of that jurisdiction as a misdemeanor and is punishable by a term of imprisonment of 2 years or less.

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

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

**4. Restoration of registration status.** The registration obligation of a person sentenced on or after January 1, 1982 and prior to June 30, 1992 that is discharged pursuant to this section is restored by any subsequent conviction for a crime described in subsection 1, paragraph E or F.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

## SUMMARY

This amendment creates an exception to the application provision of the Sex Offender Registration and Notification Act of 1999. The amendment specifies that a person sentenced on or after January 1, 1982 and prior to June 30, 1992 is not required to register if that person submits to the Department of Public Safety, State Bureau of Identification, in a form to be determined by the bureau, documentation to establish the following: the person was finally discharged from the correctional system prior to September 1, 1998; the person's convictions do not include more than one Class A sex offense or sexually violent offense or more than one conviction in another jurisdiction for an offense that contains the essential elements of a Class A sex offense or sexually violent offense, whether or not the convictions occurred on the same date; at the time of the offense, the person had not been previously sentenced in this State

as an adult or as a juvenile sentenced as an adult for a sex offense or a sexually violent offense; at the time of the offense, the person had not been previously sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult for an offense that contains the essential elements of a sex offense or a sexually violent offense; subsequent to the commission of the offense, the person has not been convicted of a crime under the Maine Revised Statutes, Title 17 or Title 17-A in this State that is punishable by imprisonment for a term of one year or more; and, subsequent to the commission of the offense, the person has not been convicted under the laws of any other jurisdiction of a crime that is punishable by a term of imprisonment exceeding one year. This requirement does not include a crime under the laws of another jurisdiction that is classified by the laws of that jurisdiction as a misdemeanor and is punishable by a term of imprisonment of 2 years or less.

The amendment specifies that a person's duty to register continues until the bureau determines that documentation meets the requirements and any rules adopted by the bureau, and a person who submits documentation is responsible for the costs of any criminal history record checks required.

Finally, the registration obligation of a person sentenced on or after January 1, 1982 and prior to June 30, 1992 that is discharged pursuant to this amendment is restored by any subsequent conviction for a crime under Title 17 or Title 17-A in this State that is punishable by imprisonment for a term of one year or more or a subsequent conviction under the laws of any other jurisdiction of a crime that is punishable by a term of imprisonment exceeding one year.

**FISCAL NOTE REQUIRED**  
**(See attached)**