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

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

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

4-C.

<u>Corrections</u>	<u>Sex Offender Management and Risk Assessment Advisory Commission</u>	<u>Not Authorized</u>	<u>34-A MRSA §11401</u>
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Sec. 2. 5 MRSA §12004-I, sub-§74-G, as enacted by PL 2011, c. 663, §1, is repealed.

Sec. 3. 17-A MRSA c. 57, as amended, is repealed.

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

CHAPTER 19

SEX OFFENDER MANAGEMENT AND RISK ASSESSMENT ADVISORY COMMISSION

§ 11401. Establishment

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

§ 11402. Membership; terms; vacancies

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

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

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

§ 11403. Duties; powers

1. Development of risk assessment. The commission shall:

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

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

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

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

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

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

§ 11404. Organization; meetings

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

§ 11405. Expenses

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

Sec. 5. Transition. The Sex Offender Management and Risk Assessment Advisory Commission created pursuant to this Act is the successor in every way to the powers, duties and functions of the Sex Offender Risk Assessment Advisory Commission established pursuant to the Maine Revised Statutes,

Title 5, section 12004-I, former subsection 74-G and set out in Title 17-A, former chapter 57, and members of the Sex Offender Risk Assessment Advisory Commission on the effective date of this Act continue as members of the Sex Offender Management and Risk Assessment Advisory Commission until the expiration of their terms pursuant to Title 17-A, former section 1402.

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.