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Legislative Document

No. 1112

H.P. 773

House of Representatives, March 26, 2015

**An Act To Make Technical Changes to the Sex Offender
Registration and Notification Acts of 1999 and 2013**

Reported by Representative FOWLE of Vassalboro for the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 34-A MRSA §11202-A, sub-§1, ¶¶A, E and F**, as amended by PL
3 2009, c. 570, §1, are further amended to read:

4 A. The person was sentenced in the State on or after January 1, 1982 and prior to
5 June 30, 1992 and was finally discharged from the correctional system at least 10
6 years prior to submitting documentation to the bureau under this section; the person
7 was sentenced in the State on or after June 30, 1992 and prior to September 18, 1999
8 and was finally discharged from the correctional system at least 10 years prior to
9 submitting documentation to the bureau under this section; the person was sentenced
10 in another jurisdiction prior to September 18, 1999, was finally discharged from the
11 correctional system at least 10 years prior to submitting documentation to the bureau
12 under this section and has been in compliance with the registration duties as a
13 resident required under subchapter 2 since September 12, 2009; or the person was
14 sentenced in the State on or after September 18, 1999 and prior to July 30, 2004 for a
15 violation of former Title 17-A, section 252 and was finally discharged from the
16 correctional system at least 10 years prior to submitting documentation to the bureau
17 under this section. For purposes of this paragraph, "finally discharged from the
18 correctional system" includes completion of probation;

19 E. Subsequent to the conviction for the sex offense or sexually violent offense, the
20 person has not been convicted of and sentenced for a crime under Title 17 or Title
21 17-A in this State that is punishable by imprisonment for a term of one year or more;
22 and

23 F. Subsequent to the conviction for the sex offense or sexually violent offense, the
24 person has not been convicted of and sentenced for a crime under the laws of any
25 other jurisdiction ~~of a crime~~ that is punishable by a term of imprisonment exceeding
26 one year. This paragraph does not include a crime under the laws of another
27 jurisdiction that is classified by the laws of that jurisdiction as a misdemeanor and is
28 punishable by a term of imprisonment of 2 years or less.

29 **Sec. 2. 34-A MRSA §11222, sub-§§2-A and 2-B**, as amended by PL 2009, c.
30 365, Pt. B, §15 and affected by §22, are further amended to read:

31 **2-A. Duty of registrant sentenced from June 30, 1992 to September 17, 1999 to**
32 **register.** Notwithstanding subsection 1 ~~and except as provided in subsection 2-B~~, a
33 person coming within the definition of a 10-year registrant or lifetime registrant who has
34 been sentenced on or after June 30, 1992 but before September 18, 1999 for a sex offense
35 or a sexually violent offense shall register either as a 10-year registrant or lifetime
36 registrant, whichever is applicable, if the duty to register has been triggered under
37 subsection 1-A, paragraph A, B or C and the offender has been notified of the duty to
38 register by a court of jurisdiction, the department, the bureau or a law enforcement
39 agency. The offender shall register with the bureau within 5 days of notice.

40 **2-B. Duty to register for new crimes.** For a person ~~otherwise subject to subsection~~
41 ~~2-A~~ who has been sentenced for a crime added by an amendment to the definition of sex
42 offense or sexually violent offense in section 11203 since September 1, 2002, if the duty

1 to register has been triggered under subsection 1-A, paragraph A, B or C and the offender
2 has been notified of the duty to register by a court of jurisdiction, the department, the
3 bureau or a law enforcement agency, that person shall register as a 10-year registrant or a
4 lifetime registrant, whichever is applicable. The offender shall register with the bureau
5 within 5 days of notice.

6 **Sec. 3. 34-A MRSA §11222, sub-§4**, as amended by PL 2009, c. 570, §2, is
7 further amended to read:

8 **4. Verification for persons sentenced on or after September 18, 1999.** During the
9 period a registrant sentenced on or after September 18, 1999 is required to register, the
10 bureau shall require the registrant to verify registration information including domicile,
11 residence, mailing address, place of employment and college or school being attended.
12 ~~The Unless verifications are suspended, the~~ bureau shall verify the registration
13 information of a 10-year registrant on each anniversary of the 10-year registrant's initial
14 registration date and shall verify a lifetime registrant's registration information every ~~90~~
15 ~~days~~ 3 months after that lifetime registrant's initial registration date. Verification of the
16 registration information of a 10-year registrant or lifetime registrant occurs as set out in
17 this subsection.

18 A. At least 10 days prior to the required verification date, the bureau shall mail a
19 nonforwardable verification form to the last reported mailing address of the
20 registrant. The verification form is deemed received 3 days after mailing unless
21 returned by postal authorities.

22 C. The registrant shall take the completed verification form and a current photograph
23 of the registrant to the law enforcement agency having jurisdiction within 5 days of
24 receipt of the form.

25 D. The law enforcement agency having jurisdiction shall verify the registrant's
26 identity, have the registrant sign the verification form, take the registrant's
27 fingerprints, complete the law enforcement portion of the verification form and
28 immediately forward the fingerprints, photograph and form to the bureau.

29 **Sec. 4. 34-A MRSA §11222, sub-§4-A**, as amended by PL 2011, c. 420, Pt. C,
30 §4, is further amended to read:

31 **4-A. Verification for person sentenced on or after January 1, 1982 and prior to**
32 **September 18, 1999 who is a 10-year registrant.** During the period a 10-year registrant
33 sentenced on or after January 1, 1982 and prior to September 18, 1999 is required to
34 register, the bureau shall require the 10-year registrant to verify registration information
35 including domicile, residence, mailing address, place of employment and college or
36 school being attended. ~~The Unless verifications are suspended, the~~ bureau shall verify
37 the registration information of a 10-year registrant in writing as provided by the bureau
38 on each anniversary of the 10-year registrant's initial registration date and once every 5
39 years in person. Verification of the registration information of a 10-year registrant occurs
40 as set out in this subsection.

41 A. At least 10 days prior to the required verification date, the bureau shall mail a
42 nonforwardable verification form to the last reported mailing address of the 10-year

1 registrant. The verification form is deemed received 3 days after mailing unless
2 returned by postal authorities.

3 B. The 10-year registrant shall mail to the bureau the completed written verification
4 form and a current photograph on each anniversary of the 10-year registrant's initial
5 registration date within 5 days of receipt of the form, except as provided in paragraph
6 C.

7 C. In lieu of mailing the completed verification form under paragraph B, the 10-year
8 registrant shall take the completed verification form and a current photograph of the
9 10-year registrant to the law enforcement agency having jurisdiction once every 5
10 years ~~after~~ on the anniversary of the 10-year registrant's initial registration or, if there
11 is a reason to believe the offender's appearance has changed significantly, the law
12 enforcement agency having jurisdiction or the bureau may instruct the 10-year
13 registrant in writing:

14 (1) To appear in person at the law enforcement agency having jurisdiction with a
15 current photograph or to allow a photograph to be taken; or

16 (2) If authorized in writing by the law enforcement agency having jurisdiction or
17 the bureau, to submit a new photograph without appearing in person.

18 D. Whenever in-person verification is mandated pursuant to paragraph C, the law
19 enforcement agency having jurisdiction shall verify the 10-year registrant's identity,
20 have the 10-year registrant sign the verification form, take the registrant's
21 fingerprints, complete the law enforcement portion of the verification form and
22 immediately forward the fingerprints, photograph and form to the bureau.

23 **Sec. 5. 34-A MRSA §11222, sub-§4-B**, as amended by PL 2011, c. 420, Pt. C,
24 §5, is further amended to read:

25 **4-B. Verification for person sentenced on or after January 1, 1982 and prior to**
26 **September 18, 1999 who is a lifetime registrant.** During the period a lifetime registrant
27 sentenced on or after January 1, 1982 and prior to September 18, 1999 is required to
28 register, the bureau shall require the lifetime registrant to verify registration information
29 including domicile, residence, mailing address, place of employment and college or
30 school being attended. ~~The~~ Unless verifications are suspended, the bureau shall verify
31 the registration information of a lifetime registrant in writing as provided by the bureau
32 every ~~90 days~~ 3 months after that lifetime registrant's initial registration date and once
33 every 5 years in person. Verification of the registration information of a lifetime
34 registrant occurs as set out in this subsection.

35 A. At least 10 days prior to the required verification date, the bureau shall mail a
36 nonforwardable verification form to the last reported mailing address of the lifetime
37 registrant. The verification form is deemed received 3 days after mailing unless
38 returned by postal authorities.

39 B. The lifetime registrant shall mail to the bureau the completed written verification
40 form and a current photograph every ~~90 days~~ 3 months after that lifetime registrant's
41 initial registration date within 5 days of receipt of the form, except as provided in
42 paragraph C.

1 C. In lieu of mailing the completed verification form under paragraph B, the lifetime
2 registrant shall take the completed verification form and a current photograph of the
3 lifetime registrant to the law enforcement agency having jurisdiction once every 5
4 years ~~after~~ on the anniversary of the lifetime registrant's initial registration or, if there
5 is a reason to believe the lifetime registrant's appearance has changed significantly,
6 the law enforcement agency having jurisdiction or the bureau may instruct the
7 lifetime registrant in writing:

8 (1) To appear in person at the law enforcement agency having jurisdiction with a
9 current photograph or to allow a photograph to be taken; or

10 (2) If authorized in writing by the law enforcement agency having jurisdiction or
11 the bureau, to submit a new photograph without appearing in person.

12 D. Whenever in-person verification is mandated pursuant to paragraph C, the law
13 enforcement agency having jurisdiction shall verify the lifetime registrant's identity,
14 have the lifetime registrant sign the verification form, take the lifetime registrant's
15 fingerprints, complete the law enforcement portion of the verification form and
16 immediately forward the fingerprints, photograph and form to the bureau.

17 **Sec. 6. 34-A MRSA §11222, sub-§4-C** is enacted to read:

18 **4-C. Verification for person sentenced in another jurisdiction before January 1,**
19 **1982 who is a lifetime registrant.** During the period a lifetime registrant sentenced in
20 another jurisdiction before January 1, 1982 is required to register, the bureau shall require
21 the lifetime registrant to verify registration information including domicile, residence,
22 mailing address, place of employment and college or school being attended. Unless
23 verifications are suspended, the bureau shall verify the registration information of a
24 lifetime registrant in writing as provided by the bureau every 3 months after that lifetime
25 registrant's initial registration date and once every 5 years in person. Verification of the
26 registration information of a lifetime registrant occurs as set out in this subsection.

27 A. At least 10 days prior to the required verification date, the bureau shall mail a
28 nonforwardable verification form to the last reported mailing address of the lifetime
29 registrant. The verification form is deemed received 3 days after mailing unless
30 returned by postal authorities.

31 B. The lifetime registrant shall mail to the bureau the completed written verification
32 form and a current photograph every 3 months after that lifetime registrant's initial
33 registration date within 5 days of receipt of the form, except as provided in paragraph
34 C.

35 C. In lieu of mailing the completed verification form under paragraph B, the lifetime
36 registrant shall take the completed verification form and a current photograph of the
37 lifetime registrant to the law enforcement agency having jurisdiction once every 5
38 years on the anniversary of the lifetime registrant's initial registration or, if there is a
39 reason to believe the lifetime registrant's appearance has changed significantly, the
40 law enforcement agency having jurisdiction or the bureau may instruct the lifetime
41 registrant in writing:

42 (1) To appear in person at the law enforcement agency having jurisdiction with a
43 current photograph or to allow a photograph to be taken; or

1 (2) If authorized in writing by the law enforcement agency having jurisdiction or
2 the bureau, to submit a new photograph without appearing in person.

3 D. Whenever in-person verification is mandated pursuant to paragraph C, the law
4 enforcement agency having jurisdiction shall verify the lifetime registrant's identity,
5 have the lifetime registrant sign the verification form, take the lifetime registrant's
6 fingerprints, complete the law enforcement portion of the verification form and
7 immediately forward the fingerprints, photograph and form to the bureau.

8 **Sec. 7. 34-A MRSA §11225-A, sub-§1, ¶B**, as amended by PL 2009, c. 570, §5,
9 is further amended to read:

10 B. A 10-year registrant sentenced in this State shall register for a period of 10 years.
11 The 10-year period is calculated as follows.

12 (1) If the 10-year registrant was sentenced prior to September 18, 1999 to a
13 wholly suspended sentence with probation or administrative release or to a
14 punishment alternative not involving imprisonment, the 10-year period is treated
15 as having begun at the time the person commenced an actual execution of the
16 wholly suspended sentence or at the time of sentence imposition when no
17 punishment alternative involving imprisonment was imposed, unless the court
18 ordered a stay of execution, in which event the 10-year period is treated as having
19 begun at the termination of the stay.

20 (2) If the 10-year registrant was sentenced prior to September 18, 1999 to a
21 straight term of imprisonment or to a split sentence, the 10-year period is treated
22 as having begun at the time of discharge or conditional release.

23 (3) If the 10-year registrant was committed under Title 15, section 103 prior to
24 September 18, 1999, the 10-year period is treated as having begun at the time of
25 discharge or conditional release under Title 15, section 104-A.

26 (4) If the 10-year registrant was sentenced prior to September 18, 1999 and the
27 person's duty to register has not yet been triggered, the 10-year period
28 commences upon registration by the person in compliance with section 11222,
29 subsection 1-A, paragraph A, B or C.

30 (5) If the 10-year registrant was sentenced on or after September 18, 1999, the
31 10-year period commences from the date the person in fact initially registers once
32 the legal duty to register arises under section 11222.

33 **Sec. 8. 34-A MRSA §11225-A, sub-§5**, as enacted by PL 2005, c. 423, §22, is
34 repealed and the following enacted in its place:

35 **5. Suspending verifications.** Notwithstanding subsections 1 and 3, the bureau,
36 pursuant to any rules the bureau may adopt, may suspend the requirement that the 10-year
37 registrant or lifetime registrant verify registration information during any period in which
38 the 10-year registrant or lifetime registrant:

39 A. Leaves this State, establishes a domicile or residence in another state and remains
40 physically absent from this State;

41 B. Is incarcerated; or

1 C. Is incapacitated or hospitalized.

2 **Sec. 9. 34-A MRSA §11228**, as amended by PL 2009, c. 365, Pt. B, §21 and
3 affected by §22, is repealed and the following enacted in its place:

4 **§11228. Certification by record custodian**

5 **1. Certificate admissible.** Notwithstanding any other law or rule of evidence, a
6 certificate by the custodian of the records of the bureau, when signed and sworn to by that
7 custodian, or the custodian's designee, is admissible in a judicial or administrative
8 proceeding as prima facie evidence of any fact stated in the certificate or in any
9 documents attached to the certificate.

10 **2. Qualified witness.** With 10 days' written notice to the prosecution, the defendant
11 may request that a qualified witness testify to the matters of which the certificate under
12 subsection 1 constitutes prima facie evidence. The notice must specify those matters
13 concerning which the defendant requests testimony. The certificate is not prima facie
14 evidence in those matters.

15 **Sec. 10. 34-A MRSA §11273, sub-§15, ¶A**, as enacted by PL 2011, c. 663, §3,
16 is amended to read:

17 A. Title 17-A, chapter 11 including the following:

18 (1) Title 17-A, section 253, subsection 2, paragraph J, ~~if the victim had attained~~
19 ~~18 years of age at the time of the offense~~ regardless of the age of the victim;

20 (2) Title 17-A, section 253, subsection 2, paragraph K, regardless of the age of
21 the victim;

22 (3) Title 17-A, section 253, subsection 2, paragraph L, regardless of the age of
23 the victim;

24 (4) Title 17-A, section 255-A, subsection 1, paragraph J, regardless of the age of
25 the victim;

26 (5) Title 17-A, section 255-A, subsection 1, paragraph R-1, regardless of the age
27 of the victim;

28 (6) Title 17-A, section 255-A, subsection 1, paragraph R-2, regardless of the age
29 of the victim; and

30 (7) Title 17-A, section 258, subsection 1-A, if the victim had not attained 12
31 years of age;

32 **Sec. 11. 34-A MRSA §11273, sub-§16, ¶¶D and E**, as enacted by PL 2011, c.
33 663, §3, are amended to read:

34 D. Title 17-A, section 852, subsection 1; ~~and~~

35 E. A military, tribal or federal offense requiring registration pursuant to the federal
36 Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42
37 United States Code, Chapter 151-; and

1 **Sec. 12. 34-A MRSA §11273, sub-§16, ¶F** is enacted to read:

2 F. Title 17-A, section 556, subsection 1, paragraph B, regardless of the age of the
3 victim.

4 **Sec. 13. 34-A MRSA §11281, sub-§1**, as enacted by PL 2011, c. 663, §3, is
5 amended to read:

6 **1. Maintenance of registry.** The bureau shall establish and maintain a registry of
7 persons required to register pursuant to this subchapter, referred to in this section as "the
8 registry." ~~The~~ After initial registration, the registry must include the following
9 information on each registrant:

10 A. The registrant's name, aliases, date of birth, sex, race, height, weight, eye color,
11 land line and cellular telephone numbers, Internet identifiers, mailing address and
12 physical location of expected domicile and residence. For purposes of this paragraph,
13 "Internet identifiers" means e-mail addresses and other designations used for self-
14 identification or routing in Internet communication or posting;

15 B. Place of employment and college or school being attended, if applicable, and the
16 corresponding mailing address and physical location;

17 C. Offense history;

18 D. A current photograph and set of fingerprints;

19 E. A description of the offense for which the registrant was convicted, the date of
20 conviction and the sentence imposed;

21 F. Whether the registrant is a Tier I registrant, Tier II registrant or Tier III registrant;

22 G. A copy of any driver's license information and copy of the driver's license;

23 H. A copy of any professional license;

24 I. Passport and immigration documents and social security number;

25 J. Temporary lodging and dates of travel;

26 K. Information about motor vehicles owned, leased or used and registration and
27 location of those motor vehicles. For purposes of this paragraph, "lease" means a
28 transfer of the right to possession and use of a motor vehicle for a term of 30 days or
29 more in return for consideration; and

30 L. Any other information the bureau determines important.

31 **Sec. 14. 34-A MRSA §11281, sub-§7**, as enacted by PL 2011, c. 663, §3, is
32 amended to read:

33 **7. Public access to registrant information.** ~~The~~ After initial registration, the
34 bureau shall provide information to the public as follows.

35 A. The bureau shall post on the Internet for public inspection the following
36 information concerning a registrant who is a Tier I registrant, Tier II registrant or Tier
37 III registrant:

- 1 (1) The registrant's name, aliases and date of birth and a current photograph;
- 2 (2) The registrant's city or town of domicile and residence;
- 3 (3) The registrant's place of employment and college or school being attended, if
- 4 applicable, and the corresponding mailing address and physical location;
- 5 (4) The statutory citation and name of the offense for which the registrant was
- 6 convicted;
- 7 (5) Whether the registrant is a Tier I registrant, a Tier II registrant or a Tier III
- 8 registrant;
- 9 (6) Verification requirements and date of last verification; and
- 10 (7) The registrant's address and its location on a map.

11 B. The bureau shall establish an e-mail notification system to alert a member of the
12 public who has subscribed annually to the e-mail notification system when a
13 registrant moves into the subscriber's geographic area.

14 C. Upon receiving a written request that includes the name and date of birth of a
15 registrant, the bureau shall provide the following information concerning a registrant
16 to the requestor:

- 17 (1) The registrant's name, aliases, date of birth, sex, race, height, weight, eye
- 18 color, mailing address and physical location of domicile and residence;
- 19 (2) The registrant's place of employment and college or school being attended, if
- 20 applicable, and the corresponding mailing address and physical location;
- 21 (3) A description of the offense for which the registrant was convicted, the date
- 22 of conviction and the sentence imposed; and
- 23 (4) The registrant's photograph.

24 **Sec. 15. 34-A MRSA §11282, sub-§6**, as enacted by PL 2011, c. 663, §3, is
25 amended to read:

26 **6. Verification.** During the period a registrant is required to register, the bureau
27 shall require the registrant to verify all registration information unless verifications are
28 suspended. The following provisions govern the verification of registration information.

29 A. At least 10 days prior to the required verification date, the bureau shall mail a
30 nonforwardable verification form to the last reported mailing address of the
31 registrant. The verification form is deemed received 3 days after mailing unless
32 returned by postal authorities.

33 B. The registrant shall bring the completed verification form and a current
34 photograph of the registrant to the law enforcement agency having jurisdiction within
35 5 days of receipt of the form.

36 C. The law enforcement agency having jurisdiction shall verify the registrant's
37 identity, have the registrant sign the verification form, take the registrant's
38 fingerprints, complete the law enforcement portion of the verification form and
39 immediately forward the fingerprints, photograph and form to the bureau.

1 **Sec. 16. 34-A MRSA §11282, sub-§7, ¶¶A and B**, as enacted by PL 2011, c.
2 663, §3, are amended to read:

3 A. A Tier III registrant shall register for the duration of the registrant's life and shall
4 verify registration information every ~~90 days~~ 3 months after the registrant's initial
5 registration date.

6 B. A Tier II registrant shall register for 25 years and shall verify registration
7 information every ~~480 days~~ 6 months after the registrant's initial registration date.

8 **Sec. 17. 34-A MRSA §11285, sub-§8**, as enacted by PL 2011, c. 663, §3, is
9 repealed and the following enacted in its place:

10 **8. Suspending verifications.** Notwithstanding any other provision of this section,
11 the bureau, pursuant to any rules the bureau may adopt, may suspend the requirement that
12 the registrant or offender verify registration information during any period in which a
13 registrant or offender:

14 A. Leaves this State, establishes a domicile or residence in another state and remains
15 physically absent from this State;

16 B. Is incarcerated; or

17 C. Is incapacitated or hospitalized.

18 **Sec. 18. 34-A MRSA §11288, sub-§§2 and 3**, as enacted by PL 2011, c. 663,
19 §3, are amended to read:

20 **2. Failure to comply; 2nd offense.** A person who has one prior conviction under
21 this section or section 11227 and who in fact fails to comply with any duty imposed under
22 this chapter or a rule adopted pursuant to this chapter commits a Class C crime.

23 **3. Failure to comply; 3rd offense.** A person who has 2 or more prior convictions
24 under this section or section 11227 and who in fact fails to comply with any duty imposed
25 under this chapter or a rule adopted pursuant to this chapter commits a Class B crime.

26 **Sec. 19. 34-A MRSA §11289**, as enacted by PL 2011, c. 663, §3, is repealed and
27 the following enacted in its place:

28 **§11289. Certification by record custodian**

29 **1. Certificate admissible.** Notwithstanding any other law or rule of evidence, a
30 certificate by the custodian of the records of the bureau, when signed and sworn to by that
31 custodian, or the custodian's designee, is admissible in a judicial or administrative
32 proceeding as prima facie evidence of any fact stated in the certificate or in any
33 documents attached to the certificate.

34 **2. Qualified witness.** With 10 days' written notice to the prosecution, the defendant
35 may request that a qualified witness testify to the matters of which the certificate under
36 subsection 1 constitutes prima facie evidence. The notice must specify those matters
37 concerning which the defendant requests testimony. The certificate is not prima facie
38 evidence in those matters.

1 **SUMMARY**

2 This bill amends the Sex Offender Registration and Notification Act of 1999 and the
3 Sex Offender Registration and Notification Act of 2013 to make technical changes.

4 With respect to the Sex Offender Registration and Notification Act of 1999, the bill:

5 1. Amends the Act to provide that, with respect to individuals convicted in other
6 jurisdictions, only those individuals convicted before September 18, 1999 may apply for
7 relief from the registration requirement, in order to parallel the provision applicable to
8 registrants with Maine convictions. The bill also amends the law to require persons
9 found not criminally responsible to be included in reinstating the registration
10 requirement;

11 2. Amends the Act to require registration of a person sentenced after September 17,
12 1999 for a crime added after that date to the Act;

13 3. Amends the Act to not require verifications to be sent if the verification
14 requirement has been suspended and to change the time period from 90 days to 3 months
15 in order to require only 4 verifications a year. The bill also amends the law to clarify that
16 in-person verification should occur every 5 years on the anniversary of the initial
17 registration;

18 4. Amends the Act to require verifications from lifetime registrants who move to
19 Maine from other jurisdictions;

20 5. Amends the Act to begin the registration period only after the duty to register has
21 occurred;

22 6. Amends the Act to allow the Department of Public Safety, State Bureau of
23 Identification to suspend the verification requirement for a registrant who is incarcerated,
24 incapacitated or hospitalized; and

25 7. Amends the Act to provide for notice if a custodian of records certification is
26 challenged.

27 With respect to the Sex Offender Registration and Notification Act of 2013, the bill:

28 1. Amends the Act to make the crime of gross sexual assault against a person with
29 intellectual disabilities or autism receiving services from a program of the Department of
30 Health and Human Services a Tier II offense regardless of the age of the victim;

31 2. Amends the Act to include incest with prior convictions as a Tier III offense;

32 3. Amends the Act to clarify that the bureau's duty to collect and post information
33 occurs after the initial registration form is received;

34 4. Amends the Act to not require verifications to be sent if the verification
35 requirement has been suspended, to change the time period from 90 days to 3 months for

1 Tier III registrants in order to require only 4 verifications a year and to change the time
2 period from 180 days to 6 months for Tier II registrants;

3 5. Amends the Act to allow the bureau to suspend the verification requirement for a
4 registrant who is incapacitated or hospitalized;

5 6. Amends the violations section in the Act to include cross-references to relevant
6 provisions of the Sex Offender Registration and Notification Act of 1999; and

7 7. Amends the Act to provide for notice if a custodian of record certification is
8 challenged.