



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

---

Legislative Document

No. 1514

H.P. 1117

House of Representatives, April 26, 2011

### An Act To Amend the Sex Offender Registration Laws

---

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative HASKELL of Portland.  
Cosponsored by Senator GERZOFKY of Cumberland and  
Representatives: BLODGETT of Augusta, BURNS of Whiting, CLARKE of Bath, HANLEY  
of Gardiner, PLUMMER of Windham, SANDERSON of Chelsea, Senators: MASON of  
Androscoggin, WHITTEMORE of Somerset.

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

2 **Sec. 1. 34-A MRSA c. 17** is enacted to read:

3 **CHAPTER 17**

4 **SEX OFFENDER REGISTRATION AND NOTIFICATION ACT OF 2011**

5 **SUBCHAPTER 1**

6 **GENERAL PROVISIONS**

7 **§11271. Short title**

8 This chapter may be known and cited as the "Sex Offender Registration and  
9 Notification Act of 2011." The purpose of this chapter is to protect the public from  
10 potentially dangerous registrants and offenders by enhancing access to information  
11 concerning those registrants and offenders.

12 **§11272. Application**

13 Unless excepted under section 11273, this chapter applies to:

14 **1. Maine.** A person sentenced in this State on or after October 15, 2011 for a Tier I  
15 offense, Tier II offense or Tier III offense as an adult or as a juvenile sentenced as an  
16 adult; and

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

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

22 B. On or after October 15, 2011 of an offense that contains the essential elements of  
23 a Tier I offense, Tier II offense or Tier III offense; or

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

26 (1) The federal Jacob Wetterling Crimes Against Children and Sexually Violent  
27 Offender Registration Act, also known as the Jacob Wetterling Act, Section  
28 170101 of the federal Violent Crime Control and Law Enforcement Act of 1994,  
29 Public Law 103-322, as amended; or

30 (2) The federal Adam Walsh Child Protection and Safety Act of 2006, Public  
31 Law 109-248, 42 United States Code, Chapter 151.

1           **§11273. Exception**

2           **1. Exception.** Notwithstanding section 11272, a person is not required to register  
3 under this chapter if that person submits to the bureau, in a form to be determined by the  
4 bureau, documentation to establish the following:

5           A. The person was sentenced in this State on or after October 15, 2011 and was  
6 finally discharged from the correctional system at least 10 years prior to submitting  
7 documentation to the bureau under this section, or the person was sentenced in  
8 another jurisdiction, was finally discharged from the correctional system at least 10  
9 years prior to submitting documentation to the bureau under this section and is in  
10 compliance with the registration duties as a resident required under subchapter 2. For  
11 purposes of this paragraph, "finally discharged from the correctional system" includes  
12 completion of probation;

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

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

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

23           E. Subsequent to the conviction for the sex offense or sexually violent offense, the  
24 person has not been convicted of a sex offense or sexually violent offense in this  
25 State that is punishable by imprisonment for a term of one year or more; and

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

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

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

38           **4. Restoration of registration status.** The registration obligation of a person that is  
39 discharged pursuant to this section is restored by any subsequent conviction for a crime  
40 described in subsection 1, paragraph E or F.

1           **5. Appeal.** A decision to deny an application for relief under this section is a final  
2 agency action, which may be appealed by filing a petition for review pursuant to Title 5,  
3 chapter 375, subchapter 7.

4           **6. Subsequent offenses and consideration of prior offense.** If application for relief  
5 is approved and a duty to register is extinguished under this section, and the person is  
6 subsequently sentenced for a new sex offense or sexually violent offense, the prior  
7 offense for which the duty to register was extinguished must be counted as a prior offense  
8 for the purposes of classifying the person as a lifetime registrant.

9           **§11274. Definitions**

10           As used in this chapter, unless the context otherwise indicates, the following terms  
11 have the following meanings.

12           **1. Another state.** "Another state" means each of the several states except Maine,  
13 and includes the District of Columbia, the Commonwealth of Puerto Rico, the United  
14 States Virgin Islands, Guam, American Samoa and the Northern Mariana Islands.

15           **2. Bureau.** "Bureau" means the Department of Public Safety, State Bureau of  
16 Identification.

17           **3. Conditional release.** "Conditional release" means supervised release of a  
18 registrant or an offender from institutional confinement for placement on probation,  
19 parole, intensive supervision, supervised release for sex offenders, supervised community  
20 confinement, home release monitoring or release under Title 15, section 104-A or Title  
21 17-A, chapter 54-G.

22           **4. Discharge.** "Discharge" means unconditional release and discharge of a registrant  
23 from institutional confinement upon the expiration of a sentence or upon discharge under  
24 Title 15, section 104-A.

25           **5. Domicile.** "Domicile" means the place where a person has that person's  
26 established, fixed, permanent or ordinary dwelling place or legal residence to which,  
27 whenever the person is absent, the person has the intention of returning. A person may  
28 have more than one residence but only one domicile.

29           **6. FBI.** "FBI" means the Federal Bureau of Investigation.

30           **7. Jurisdiction.** "Jurisdiction" means the Federal Government, including the  
31 military, this State or another state or tribe.

32           **8. Law enforcement agency having jurisdiction.** "Law enforcement agency  
33 having jurisdiction" means the chief of police in the municipality where a registrant or an  
34 offender expects to be or is domiciled. If the municipality does not have a chief of police,  
35 "law enforcement agency having jurisdiction" means the sheriff of the county where the  
36 municipality is located. "Law enforcement agency having jurisdiction" also means the  
37 sheriff of the county in an unorganized territory.

1           **9. Offender.** "Offender" means a person to whom this chapter applies pursuant to  
2 section 11272.

3           **10. Registrant.** "Registrant" means a Tier I registrant, Tier II registrant or Tier III  
4 registrant.

5           **11. Residence.** "Residence" means that place or those places, other than a domicile,  
6 in which a person may spend time living, residing or dwelling. Proof that an offender has  
7 lived in the State for 14 days continuously or an aggregate of 30 days within a period of  
8 one year gives rise to a permissible inference under the Maine Rules of Evidence, Rule  
9 303 that the person has established a residence for the purposes of registration  
10 requirements imposed by this chapter.

11           **12. Risk assessment instrument.** "Risk assessment instrument" means an  
12 instrument created and modified as necessary by reviewing and analyzing precursors to a  
13 sex offense, victim populations of a registrant or an offender, living conditions and  
14 environment of a registrant or an offender and other factors predisposing a person to  
15 become a registrant or an offender, for the ongoing purpose of identifying risk factors.

16           **13. Sentence.** "Sentence," in addition to any punishment alternatives, includes an  
17 involuntary commitment under Title 15, section 103, or similar statute from another  
18 jurisdiction, following a verdict of not criminally responsible by reason of mental disease  
19 or defect or similar verdict in another jurisdiction.

20           **14. Tier I offense.** "Tier 1 offense" means a conviction for one of the following  
21 offenses or for an attempt or solicitation of one of the following offenses if the victim was  
22 less than 18 years of age at the time of the criminal conduct:

23           A. Former Title 17, section 2924, subsection 2;

24           B. Former Title 17-A, section 253, subsection 2, paragraph E if the victim had  
25 attained 18 years of age or more at the time of the offense;

26           C. Title 17-A, section 253, subsection 2, paragraph E if the victim had attained 18  
27 years of age or more at the time of the offense;

28           D. Title 17-A, section 253, subsection 2, paragraph I if the victim had attained 18  
29 years of age or more at the time of the offense;

30           E. Title 17-A, section 253, subsection 2, paragraph J if the victim had attained 18  
31 years of age or more at the time of the offense;

32           F. Former Title 17-A, section 254;

33           G. Former Title 17-A, section 254, subsection 1, paragraph A;

34           H. Former Title 17-A, section 254, subsection 1, paragraph C or former Title 17-A,  
35 section 254, subsection 3, paragraph A or B;

36           I. Title 17-A, section 254, subsection 1, paragraph C

37           J. Title 17-A, section 254, subsection 1, paragraph D;

38           K. Title 17-A, section 254, subsection 1, paragraph E;

- 1           L. Title 17-A, section 254, subsection 1, paragraph F;  
2           M. Former Title 17-A, section 255, subsection 1, paragraph A;  
3           N. Former Title 17-A, section 255, subsection 1, paragraph B;  
4           O. Former Title 17-A, section 255, subsection 1, paragraph D;  
5           P. Former Title 17-A, section 255, subsection 1, paragraph E;  
6           Q. Former Title 17-A, section 255, subsection 1, paragraph F;  
7           R. Former Title 17-A, section 255, subsection 1, paragraph G;  
8           S. Former Title 17-A, section 255, subsection 1, paragraph I;  
9           T. Former Title 17-A, section 255, subsection 1, paragraph J;  
10          U. Title 17-A, section 255-A, subsection 1, paragraph A;  
11          V. Title 17-A, section 255-A, subsection 1, paragraph B;  
12          W. Title 17-A, section 255-A, subsection 1, paragraph C;  
13          X. Title 17-A, section 255-A, subsection 1, paragraph G;  
14          Y. Title 17-A, section 255-A, subsection 1, paragraph I;  
15          Z. Title 17-A, section 255-A, subsection 1, paragraph J;  
16          AA. Title 17-A, section 255-A, subsection 1, paragraph K;  
17          BB. Title 17-A, section 255-A, subsection 1, paragraph Q;  
18          CC. Title 17-A, section 255-A, subsection 1, paragraph R;  
19          DD. Title 17-A, section 255-A, subsection 1, paragraph S;  
20          EE. Title 17-A, section 255-A, subsection 1, paragraph T;  
21          FF. Title 17-A, section 256, subsection 1, paragraph A;  
22          GG. Title 17-A, section 256, subsection 1, paragraph B;  
23          HH. Title 17-A, section 258, subsection 1;  
24          II. Title 17-A, section 258, subsection 1-A;  
25          JJ. Title 17-A, section 259, subsection 1-A;  
26          KK. Title 17-A, section 259, subsection 1-B;  
27          LL. Title 17-A, section 284;  
28          MM. Title 17-A, section 511, subsection 1, paragraph D;  
29          NN. Title 17-A, section 556;  
30          OO. Former Title 17-A, section 556, subsection 1, paragraph A;  
31          PP. Title 17-A, section 852, subsection 1, paragraph A;  
32          QQ. Title 17-A, section 855, subsection 1, paragraph A;

1 RR. An offense in another jurisdiction that includes the essential elements of an  
2 offense listed in paragraphs A to QQ; or

3 SS. A military, tribal or federal offense requiring registration pursuant to:

4 (1) The federal Jacob Wetterling Crimes Against Children and Sexually Violent  
5 Offender Registration Act, also known as the Jacob Wetterling Act, Section  
6 170101 of the federal Violent Crime Control and Law Enforcement Act of 1994,  
7 Public Law 103-322, as amended; or

8 (2) The federal Adam Walsh Child Protection and Safety Act of 2006, Public  
9 Law 109-248, 42 United States Code, Chapter 151.

10 **15. Tier II offense.** "Tier II offense" means a conviction for one of the following  
11 offenses or for an attempt or solicitation of one of the following offenses if the victim was  
12 less than 18 years of age at the time of the criminal conduct:

13 A. Former Title 17, section 2922, subsection 1, paragraph A;

14 B. Former Title 17, section 2922, subsection 1, paragraph B;

15 C. Former Title 17, section 2923, subsection 1, paragraph A;

16 D. Former Title 17-A, section 253, subsection 2, paragraph E if the victim had not  
17 attained 18 years of age or more at the time of the offense;

18 E. Former Title 17-A, section 253, subsection 2, paragraph F if the victim had not  
19 attained 18 years of age or more at the time of the offense;

20 F. Former Title 17-A, section 253, subsection 2, paragraph G if the victim had not  
21 attained 18 years of age or more at the time of the offense;

22 G. Title 17-A, section 253, subsection 2, paragraph E if the victim had not attained  
23 18 years of age at the time of the offense;

24 H. Title 17-A, section 253, subsection 2, paragraph F;

25 I. Title 17-A, section 253, subsection 2, paragraph G;

26 J. Title 17-A, section 253, subsection 2, paragraph H;

27 K. Title 17-A, section 253, subsection 2, paragraph I if victim had not attained 18  
28 years of age at the time of the offense;

29 L. Title 17-A, section 253, subsection 2, paragraph J if the victim had not attained 18  
30 years of age at the time of the offense;

31 M. Title 17-A, section 254, subsection 1, paragraph A;

32 N. Title 17-A, section 254, subsection 1, paragraph A-1;

33 O. Title 17-A, section 254, subsection 1, paragraph A-2;

34 P. Former Title 17-A, section 254, subsection 1, paragraph A;

35 Q. Former Title 17-A, section 254, subsection 3, paragraph A;

36 R. Former Title 17-A, section 254, subsection 3, paragraph B;

- 1           S. Former Title 17-A, section 254, subsection 1, paragraph B;  
2           T. Former Title 17-A, section 255, subsection 1, paragraph G;  
3           U. Former Title 17-A, section 255, subsection 1, paragraph I where the State pled  
4           and proved that unlawful sexual contact included penetration;  
5           V. Title 17-A, section 255-A, subsection 1, paragraph B if victim is a minor;  
6           W. Title 17-A, section 255-A, subsection 1, paragraph J if victim is a minor;  
7           X. Title 17-A, section 255-A, subsection 1, paragraph L;  
8           Y. Title 17-A, section 255-A, subsection 1, paragraph M;  
9           Z. Title 17-A, section 255-A, subsection 1, paragraph N;  
10          AA. Title 17-A, section 255-A, subsection 1, paragraph R if the victim had not  
11          attained 18 years of age at the time of the offense;  
12          BB. Title 17-A, section 282, subsection 1, paragraph A;  
13          CC. Title 17-A, section 282, subsection 1, paragraph C;  
14          DD. Title 17-A, section 282, subsection 1, paragraph D;  
15          EE. Title 17-A, section 282, subsection 1, paragraph F;  
16          FF. Title 17-A, section 283, subsection 1, paragraph A;  
17          GG. Title 17-A, section 283, subsection 1, paragraph C;  
18          HH. Title 17-A, section 284, subsection 1, paragraph B;  
19          II. Title 17-A, section 284, subsection 1, paragraph D;  
20          JJ. Title 17-A, section 556, subsection 1, paragraph B;  
21          KK. Former Title 17-A, section 556, subsection 1, paragraph B;  
22          LL. Title 17-A, section 852, subsection 1, paragraph B;  
23          MM. Title 17-A, section 855, subsection 1, paragraph B;  
24          NN. An offense in another jurisdiction that includes the essential elements of an  
25          offense listed in paragraphs A to MM; or  
26          OO. A military, tribal or federal offense requiring registration pursuant to:  
27                 (1) The federal Jacob Wetterling Crimes Against Children and Sexually Violent  
28                 Offender Registration Act, also known as the Jacob Wetterling Act, Section  
29                 170101 of the federal Violent Crime Control and Law Enforcement Act of 1994,  
30                 Public Law 103-322, as amended; or  
31                 (2) The federal Adam Walsh Child Protection and Safety Act of 2006, Public  
32                 Law 109-248, 42 United States Code, Chapter 151.  
33          **16. Tier III offense.** "Tier III offense" means a conviction for one of the following  
34          offenses or for an attempt or solicitation of one of the following offenses if the victim was  
35          less than 18 years of age at the time of the criminal conduct:



- 1           A. Former Title 17, section 2922, subsection 1, paragraph A-1;  
2           B. Former Title 17, section 2922, subsection 1, paragraph C;  
3           C. Former Title 17, section 2923, subsection 1, paragraph B;  
4           D. Former Title 17-A, section 252, subsection 1, paragraph A;  
5           E. Former Title 17-A, section 252, subsection 1, paragraph B;  
6           F. Former Title 17-A, section 253, subsection 1, paragraph A;  
7           G. Former Title 17-A, section 253, subsection 1, paragraph B;  
8           H. Former Title 17-A, section 253, subsection 2, paragraph A;  
9           I. Former Title 17-A, section 253, subsection 2, paragraph B;  
10          J. Former Title 17-A, section 253, subsection 2, paragraph C;  
11          K. Former Title 17-A, section 253, subsection 2, paragraph D;  
12          L. Title 17-A, section 253, subsection 1, paragraph A;  
13          M. Title 17-A, section 253, subsection 1, paragraph B;  
14          N. Title 17-A, section 253, subsection 1, paragraph C;  
15          O. Title 17-A, section 253, subsection 2, paragraph A;  
16          P. Title 17-A, section 253, subsection 2, paragraph B;  
17          Q. Title 17-A, section 253, subsection 2, paragraph C;  
18          R. Title 17-A, section 253, subsection 2, paragraph D;  
19          S. Former Title 17-A, section 254, subsection 3, paragraph C;  
20          T. Former Title 17-A, section 255, subsection 1, paragraph B;  
21          U. Former Title 17-A, section 255, subsection 1, paragraph C;  
22          V. Former Title 17-A, section 255, subsection 1, paragraph D;  
23          W. Former Title 17-A, section 255, subsection 1, paragraph H and the victim had not  
24          attained 18 years of age;  
25          X. Title 17-A, section 255-A, subsection 1, paragraph D;  
26          Y. Title 17-A, section 255-A, subsection 1, paragraph E;  
27          Z. Title 17-A, section 255-A, subsection 1, paragraph E-1;  
28          AA. Title 17-A, section 255-A, subsection 1, paragraph F;  
29          BB. Title 17-A, section 255-A, subsection 1, paragraph F-1;  
30          CC. Title 17-A, section 255-A, subsection 1, paragraph H;  
31          DD. Title 17-A, section 255-A, subsection 1, paragraph P;  
32          EE. Title 17-A, section 282, subsection 1, paragraph B;  
33          FF. Title 17-A, section 282, subsection 1, paragraph E;

- 1 GG. Title 17-A, section 283, subsection 1, paragraph B;  
2 HH. Title 17-A, section 283, subsection 1, paragraph C;  
3 II. Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3), unless the  
4 actor is a parent of the victim and the victim had not attained 18 years of age;  
5 JJ. An offense in another jurisdiction that includes the essential elements of an  
6 offense listed in paragraphs A to II; or  
7 KK. A military, tribal or federal offense requiring registration pursuant to:  
8 (1) The federal Jacob Wetterling Crimes Against Children and Sexually Violent  
9 Offender Registration Act, also known as the Jacob Wetterling Act, Section  
10 170101 of the federal Violent Crime Control and Law Enforcement Act of 1994,  
11 Public Law 103-322, as amended; or  
12 (2) The federal Adam Walsh Child Protection and Safety Act of 2006, Public  
13 Law 109-248, 42 United States Code, Chapter 151.  
14 **17. Tier I registrant.** "Tier I registrant" means a person who is an adult convicted  
15 and sentenced or a juvenile convicted and sentenced as an adult of a Tier I offense.  
16 **18. Tier II registrant.** "Tier II registrant" means a person who is an adult convicted  
17 and sentenced or a juvenile convicted and sentenced as an adult of a Tier II offense.  
18 **19. Tier III registrant.** "Tier III registrant" means a person who is an adult  
19 convicted and sentenced or a juvenile convicted and sentenced as an adult of a Tier III  
20 offense.  
21 **20. Tribe.** "Tribe" means the Passamaquoddy Tribe or the Penobscot Nation.

22 **§11275. Rulemaking**

23 The bureau may adopt rules necessary to implement this chapter. Rules adopted  
24 pursuant to this section are routine technical rules as defined by Title 5, chapter 375,  
25 subchapter 2-A.

26 **SUBCHAPTER 2**

27 **SEX OFFENDER REGISTRATION**

28 **§11281. Maintenance of sex offender registry**

29 **1. Maintenance of registry.** The bureau shall establish and maintain a registry of  
30 persons required to register pursuant to this subchapter. The registry must include the  
31 following information on each registrant:

32 A. The registrant's name, aliases, date of birth, sex, race, height, weight, eye color,  
33 mailing address and physical location of expected domicile and residence;

34 B. Place of employment and college or school being attended, if applicable, and the  
35 corresponding address and location;

- 1           C. Offense history;
- 2           D. Notation of any treatment received for a mental abnormality or personality
- 3           disorder;
- 4           E. A photograph and set of fingerprints;
- 5           F. A description of the offense for which the registrant was convicted, the date of
- 6           conviction and the sentence imposed;
- 7           G. Whether the registrant is a Tier I registrant, Tier II registrant or Tier III registrant
- 8           and the registrant's risk classification pursuant to subchapter 3, if applicable; and
- 9           H. Any other information the bureau determines important.

10           **2. National or regional registry.** The bureau is authorized to make the registry

11 available to and accept files from a national or regional registry of registrants for the

12 purpose of sharing information.

13           **3. Registration form.** The bureau shall develop a standardized registration form to

14 be made available to the appropriate reporting authorities and persons required to register.

15           **4. Verification form.** The bureau shall develop and mail a nonforwardable

16 verification form to the last reported mailing address of each person required to meet the

17 verification requirements of this chapter.

18           **5. Distribution of information to department and law enforcement agencies.**

19 The bureau shall distribute information described in subsection 1 to the department and

20 law enforcement agencies having jurisdiction over the address and location of the

21 registrant's domicile, residence, place of employment and college or school being

22 attended, if applicable.

23           **6. Criminal justice agency access to information.** The bureau shall provide access

24 to the information described in subsection 1 to criminal justice agencies. For purposes of

25 this subsection, "criminal justice agency" has the same meaning as in Title 16, section

26 611, subsection 4.

27           **7. Public access to registrant information.** The bureau shall provide information

28 to the public as follows.

29           A. The bureau shall post on the Internet for public inspection the following

30 information concerning a registrant who is a Tier I offender, Tier II offender or Tier

31 III offender:

- 32           (1) The registrant's name, date of birth and photograph;
- 33           (2) The registrant's city or town of domicile and residence;
- 34           (3) The registrant's place of employment and college or school being attended, if
- 35           applicable, and the corresponding address and location;
- 36           (4) The statutory citation and name of the offense for which the registrant was
- 37           convicted; and

1                   (5) Whether the registrant is a Tier I registrant, a Tier II registrant or a Tier III  
2                   registrant and the registrant's risk classification pursuant to subchapter 3, if  
3                   applicable.

4                   B. Upon receiving a written request that includes the name and date of birth of a  
5                   registrant, the bureau shall provide the following information concerning a registrant  
6                   to the requestor:

7                   (1) The registrant's name, aliases, date of birth, sex, race, height, weight, eye  
8                   color, mailing address and physical location of domicile and residence;

9                   (2) The registrant's place of employment and college or school being attended, if  
10                   applicable, and the corresponding address and location;

11                   (3) A description of the offense for which the registrant was convicted, the date  
12                   of conviction and the sentence imposed; and

13                   (4) The registrant's photograph.

14                   **8. Registrant access to information.** Pursuant to Title 16, section 620, the bureau  
15                   shall provide all information described in subsection 1 to a registrant who requests that  
16                   person's own information.

17                   **9. Maintenance by bureau.** Only the bureau is authorized to maintain a sex  
18                   offender registry on the Internet for purposes of public access.

19                   **10. Law enforcement agency website.** Notwithstanding subsection 9, a law  
20                   enforcement agency may maintain its own sex offender website and may make that  
21                   information available for use by the public if:

22                   A. A notice is prominently posted on the website that expressly states that the  
23                   website is not the official state sex offender registry under subsection 7, paragraph A  
24                   and that the law enforcement agency posting the website is solely responsible for the  
25                   website's content;

26                   B. The website provides a link to the bureau's Internet sex offender registry under  
27                   subsection 7, paragraph A;

28                   C. The website contains information regarding only registrants who are domiciled,  
29                   reside, attend college or school or work within the posting law enforcement agency's  
30                   jurisdiction; and

31                   D. The information on the website is updated by the law enforcement agency as  
32                   frequently as available resources permit, but no less often than every 7 days. The law  
33                   enforcement agency shall also prominently post on the website the date and time of  
34                   the most recent update to the website.

35                   **§11282. Duty of offender to register**

36                   **1. Notification by court, the department, the bureau or a law enforcement**  
37                   **agency.** An offender has a duty to register under this chapter after notification has been  
38                   given to the offender by a court of jurisdiction, the department, the bureau or a law  
39                   enforcement agency. The court shall notify the offender at the time of sentence of the

1 duty to register pursuant to this chapter. Notification of the duty to register under this  
2 chapter also may be given to the offender at any time after the imposition of sentence.

3 At any time, the bureau may correct the term of a registration erroneously assigned to an  
4 offender or registrant. In such instances, the bureau shall notify the offender or registrant,  
5 the district attorney and the court in the jurisdiction where the conviction occurred and  
6 the law enforcement agency having jurisdiction where the offender or registrant is  
7 domiciled, resides, is employed or attends college or school, if applicable.

8 **2. When duty to register must be exercised.** Following notification by a court, the  
9 department, the bureau or a law enforcement agency under subsection 1, an offender shall  
10 register as follows.

11 A. If the offender is sentenced to a wholly suspended sentence with probation or  
12 administrative release, or to a punishment alternative not involving imprisonment, the  
13 duty to register is triggered at the time the person commences in actual execution of  
14 the wholly suspended sentence or at the time of sentence imposition when no  
15 punishment alternative involving imprisonment is imposed, unless the court orders a  
16 stay of execution, in which event the duty is triggered by the termination of the stay.

17 B. If the offender is sentenced to a straight term of imprisonment or to a split  
18 sentence, the duty to register is triggered by discharge or conditional release.

19 C. If the offender is committed under Title 15, section 103, the duty to register is  
20 triggered by discharge or conditional release under Title 15, section 104-A.

21 D. If the events stated in paragraphs A to C have passed, an offender must register  
22 within 5 days after having received notice of that duty from a court, the department,  
23 the bureau or a law enforcement agency.

24 E. Proof that the name and date of birth of the person notified of the duty to register  
25 pursuant to this chapter are the same as those of a person who has been convicted of  
26 an offense requiring registration pursuant to this chapter gives rise to a permissible  
27 inference under the Maine Rules of Evidence, Rule 303 that the person notified of the  
28 duty to register is the same person as that person convicted of the offense requiring  
29 registration.

30 **3. Duty to notify law enforcement agency.** An offender shall notify the law  
31 enforcement agency having jurisdiction in those areas where the offender is domiciled,  
32 resides, works or attends school within 24 hours of becoming a domiciliary or a resident  
33 or beginning work or attending school. If the location is a municipality with an organized  
34 municipal police department, the law enforcement agency having jurisdiction is the  
35 municipal police department. If the location is a school having an organized police  
36 department, the law enforcement agency having jurisdiction is the campus police  
37 department. If the location is neither a municipality nor a school with an organized police  
38 department, the law enforcement agency having jurisdiction is the sheriff's department.

39 **4. Responsibility of ensuring initial registration.** The department, the county jail  
40 or the state mental health institute that has custody of an offender shall inform the  
41 offender, prior to discharge or conditional release, of the duty to register. If an offender  
42 does not serve a period of institutional confinement, the court shall inform the offender at

1 the time of sentencing of the duty to register. The department, county jail, state mental  
2 health institute or court shall:

3 A. Inform the offender of the duty to register and obtain the information required for  
4 the initial registration;

5 B. Inform the offender of the requirement to notify the law enforcement agency  
6 having jurisdiction pursuant to subsection 3;

7 C. Inform the offender that if the offender changes domicile or changes residence,  
8 place of employment or college or school being attended, the offender shall give the  
9 new address to the bureau in writing within 5 days and shall notify the law  
10 enforcement agency having jurisdiction within 24 hours;

11 D. Inform the offender that if that offender changes domicile to another state, the  
12 offender shall register the new address with the bureau and if the new state has a  
13 registration requirement, the offender shall register with a designated law  
14 enforcement agency in the new state not later than 5 days after establishing domicile  
15 in the new state;

16 E. Inform the offender that if that offender has part-time or full-time employment in  
17 another state, with or without compensation, for more than 14 consecutive days or for  
18 an aggregate period exceeding 30 days in a calendar year or if that offender enrolls in  
19 any type of school in another state on a part-time or full-time basis, the offender shall  
20 give the bureau the offender's place of employment or school to be attended in  
21 writing within 5 days after beginning work or attending school and if the other state  
22 has a registration requirement, shall register with the designated law enforcement  
23 agency in the other state;

24 F. Obtain fingerprints and a photograph of the offender. The court may order the  
25 offender to submit to the taking of fingerprints and a photograph at a specified law  
26 enforcement agency within 3 days if the fingerprints and photograph have not already  
27 been obtained in connection with the offense that necessitates registration; and

28 G. Enforce the requirement that the offender read and sign a form provided by the  
29 bureau that states that the duty of the offender to register under this section has been  
30 explained.

31 **5. Transfer of initial registration information to bureau and FBI.** The  
32 department, county jail, state mental health institute or court within 3 days of receipt of  
33 the information described in subsection 4 shall forward the information to the bureau. If  
34 the court orders the offender to submit to the taking of fingerprints and a photograph at a  
35 specified law enforcement agency, the law enforcement agency shall submit the  
36 fingerprints and photograph to the bureau within 3 days. The bureau shall immediately  
37 enter the information into the registration system, notify the law enforcement agencies  
38 having jurisdiction where the offender expects to be domiciled and reside and transmit  
39 the information to the FBI for inclusion in the national FBI sex offender database.

40 **6. Verification.** During the period a registrant is required to register, the bureau  
41 shall require the registrant to verify registration information including domicile,  
42 residence, mailing address, place of employment and college or school being attended.  
43 The following provisions govern the verification of registration information.

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

5           B. The registrant shall take the completed verification form and a photograph of the  
6           registrant to the law enforcement agency having jurisdiction within 5 days of receipt  
7           of the form.

8           C. The law enforcement agency having jurisdiction shall verify the registrant's  
9           identity, have the registrant sign the verification form, take the registrant's  
10          fingerprints, complete the law enforcement portion of the verification form and  
11          immediately forward the fingerprints, photograph and form to the bureau.

12          **7. Frequency of verification.** The frequency of verification of registration  
13          information is dependent upon the registrant's tier classification as follows.

14          A. A Tier III registrant shall register for the duration of the registrant's life and shall  
15          verify registration information every 90 days after the registrant's initial registration  
16          date for 10 years. After the registrant's 10th year of registration, the registrant may  
17          request risk assessment as described in subchapter 3 and may be required to continue  
18          to verify registration every 90 days or may be reclassified as a Tier II registrant. If  
19          the registrant is required to continue to verify registration information every 90 days,  
20          the registrant may again be assessed as described in subchapter 3 after the 15th year  
21          of registration and every 5 years after that, as necessary, for reclassification purposes  
22          or until it is determined that the registrant no longer has a duty to register.

23          B. A Tier II registrant shall register for 25 years and shall verify registration  
24          information every 90 days after the registrant's initial registration date for 2 years.  
25          After the registrant's 2nd year of registration, the registrant shall verify registration  
26          information every 6 months for 2 years. After the registrant's 4th year of registration,  
27          the registrant shall verify registration information annually for 6 years. After the  
28          registrant's 10th year of registration, the registrant may request assessment as  
29          described in subchapter 3 and may be required to continue to verify registration  
30          annually or may be taken off the registry. If the registrant is required to continue to  
31          verify registration information annually, the registrant may again be assessed after the  
32          15th year of registration and every 5 years after that, as necessary, until it is  
33          determined that the registrant no longer has a duty to register or until the Tier II  
34          registrant has been registered for 25 years, after which point the registrant no longer  
35          has a duty to register.

36          C. A Tier I registrant shall register for 10 years and shall verify registration  
37          information every 90 days after the registrant's initial registration date for 2 years.  
38          After the registrant's 2nd year of registration, the registrant shall verify registration  
39          information every 6 months for 2 years. After the registrant's 4th year of registration,  
40          the registrant shall verify registration information annually for 6 years, after which  
41          point the registrant no longer has a duty to register.

42          **8. Change of domicile, residence, place of employment or college or school being**  
43          **attended.** An offender or registrant shall notify the bureau in writing of a change of  
44          residence, domicile, place of employment or college or school being attended within 5

1 days and shall notify the law enforcement agency having jurisdiction within 24 hours  
2 after changing that domicile, residence, place of employment or college or school being  
3 attended.

4 A. If the offender or registrant establishes a new domicile, residence, place of  
5 employment or college or school being attended in the State, the bureau shall notify,  
6 within 3 days, both the law enforcement agency having jurisdiction where the  
7 offender or registrant was formerly domiciled or resided or was employed or enrolled  
8 and the law enforcement agency having jurisdiction where the offender or registrant  
9 is currently domiciled, residing, employed or enrolled.

10 B. If the offender or registrant establishes a domicile, residence, place of  
11 employment or college or school being attended in another state, the bureau shall  
12 notify, within 3 days, the law enforcement agency having jurisdiction where the  
13 offender or registrant was formerly domiciled or resided or was employed or enrolled  
14 and the law enforcement agency having jurisdiction where the offender or registrant  
15 is currently domiciled, residing, employed or enrolled.

16 **§11283. Duty of person establishing domicile or residence to register**

17 A person sentenced at any time for a military, tribal or federal offense requiring  
18 registration pursuant to the federal Jacob Wetterling Crimes Against Children and  
19 Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act,  
20 Section 170101 of the federal Violent Crime Control and Law Enforcement Act of 1994,  
21 Public Law 103-322, as amended; or the federal Adam Walsh Child Protection and Safety  
22 Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151; or in a  
23 jurisdiction other than this State who is required under that jurisdiction to register  
24 pursuant to that jurisdiction's sex offender registration statute or would have been  
25 required to register if the person had remained in the jurisdiction or, if not so required,  
26 who has been sentenced on or after October 15, 2011 for an offense that includes the  
27 essential elements of a sex offense or a sexually violent offense shall register as a Tier I  
28 registrant, a Tier II registrant or a Tier III registrant, whichever is applicable, within 5  
29 days and shall notify the law enforcement agency having jurisdiction within 24 hours of  
30 establishing domicile or residence in this State. The person shall contact the bureau,  
31 which shall provide the person with the registration form and direct the person to take the  
32 form and a photograph of the person to the law enforcement agency having jurisdiction.  
33 The law enforcement agency shall supervise the completion of the form, take the person's  
34 fingerprints and immediately forward the form, photograph and fingerprints to the  
35 bureau.

36 **§11284. Duty of person employed or attending college or school**

37 The following provisions govern registration duties for a person not domiciled or  
38 residing in this State but who is employed or attending college or school in this State.

39 **1. Time.** A person who has been sentenced at any time for a military, tribal or  
40 federal offense requiring registration pursuant to the federal Jacob Wetterling Crimes  
41 Against Children and Sexually Violent Offender Registration Act, also known as the  
42 Jacob Wetterling Act, Section 170101 of the federal Violent Crime Control and Law  
43 Enforcement Act of 1994, Public Law 103-322, as amended; or the federal Adam Walsh



1 Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code,  
2 Chapter 151; or in a jurisdiction other than this State and who is required under that  
3 jurisdiction to register pursuant to that jurisdiction's sex offender registration statute or  
4 would have been required to register if the person had remained in that jurisdiction or, if  
5 not so required, who has been sentenced on or after October 15, 2011 for an offense that  
6 includes the essential elements of a sex offense or a sexually violent offense shall register  
7 as a Tier I registrant, a Tier II registrant or a Tier III registrant, whichever is applicable,  
8 within 5 days and shall notify the law enforcement agency having jurisdiction:

9 A. Within 24 hours of beginning full-time or part-time employment, with or without  
10 compensation, for more than 14 consecutive days or for an aggregate period  
11 exceeding 30 days in a calendar year in this State; or

12 B. Within 24 hours of beginning college or school on a full-time or part-time basis in  
13 this State.

14 **2. Process for notifying bureau.** The person under subsection 1 shall contact the  
15 bureau, which shall provide the person with a registration form and direct the person to  
16 take the form and a photograph of the person to the law enforcement agency having  
17 jurisdiction. The law enforcement agency shall supervise the completion of the form, take  
18 the person's fingerprints and immediately forward the form, photograph and fingerprints  
19 to the bureau.

20 **§11285. Duration of registration**

21 Except as provided in section 11282, subsection 6, the following provisions govern  
22 the duration of registration.

23 **1. Offender convicted and sentenced in State for Tier I offense.** An offender  
24 convicted and sentenced in this State for a Tier I offense shall register for a period of 10  
25 years. The 10-year period commences from the date the person in fact initially registers  
26 once the legal duty arises under section 11282, subsection 2.

27 **2. Offender convicted and sentenced in another jurisdiction for Tier I-type**  
28 **offense.** An offender convicted and sentenced in another jurisdiction and required to  
29 register in this State pursuant to section 11283 or section 11284 for an offense that  
30 includes the essential elements of a Tier I offense shall register for a period of 10 years.  
31 The following provisions apply.

32 A. A Tier I registrant shall register in this State for a period of 10 years if, pursuant  
33 to the other jurisdiction's sex offender registration statute, the registration period is  
34 for a period of no more than 10 years. The 10-year period commences from the date  
35 the person in fact initially registers in this State once the legal duty to register arises  
36 under section 11283 or section 11284. However, the Tier I registrant may receive  
37 day-for-day credit for the time actually registered pursuant to the other jurisdiction's  
38 sex offender registration statute prior to registering in this State upon applying to the  
39 bureau for credit. The bureau may grant credit if the registrant provides sufficient  
40 documentation in accordance with rules adopted by the bureau.

41 B. A Tier I registrant shall register for a period of 10 years if registration was not  
42 required in that other jurisdiction and the person was sentenced on or after October

1           15, 2011 in that jurisdiction for a crime that includes the essential elements of a Tier I  
2           offense. The 10-year period commences from the date the person in fact initially  
3           registers in this State once the legal duty to register arises under section 11283 or  
4           section 11284.

5           **3. Offender convicted and sentenced in State for Tier II offense.** An offender  
6           convicted and sentenced in this State for a Tier II offense shall register for a period of 25  
7           years. The 25-year period commences from the date the person in fact initially registers  
8           once the legal duty arises under section 11282, subsection 2.

9           **4. Offender convicted and sentenced in another jurisdiction for Tier II-type**  
10           **offense.** An offender convicted and sentenced in another jurisdiction and required to  
11           register in this State pursuant to section 11283 or section 11284 for an offense that  
12           includes the essential elements of a Tier II offense shall register for a period of 25 years.  
13           The following provisions apply.

14           A. A Tier II registrant shall register in this State for a period of 25 years if, pursuant  
15           to the other jurisdiction's sex offender registration statute, the registration period is  
16           for a period of more than 10 years and no more than 25 years. The 25-year period  
17           commences from the date the person in fact initially registers in this State once the  
18           legal duty to register arises under section 11283 or section 11284. However, the Tier  
19           II registrant may receive day-for-day credit for the time actually registered pursuant  
20           to the other jurisdiction's sex offender registration statute prior to registering in this  
21           State upon applying to the bureau for credit. The bureau may grant credit if the  
22           registrant provides sufficient documentation in accordance with rules adopted by the  
23           bureau.

24           B. A Tier II registrant shall register for a period of 25 years if registration was not  
25           required in that other jurisdiction and the person was sentenced on or after October  
26           15, 2011 in that jurisdiction for a crime that includes the essential elements of a Tier  
27           II offense. The 25-year period commences from the date the person in fact initially  
28           registers in this State once the legal duty to register arises under section 11283 or  
29           section 11284.

30           **5. Offender convicted and sentenced in State for Tier III offense.** An offender  
31           convicted and sentenced in this State for a Tier III offense shall register for the duration  
32           of the offender's life.

33           **6. Offender convicted and sentenced in another jurisdiction for Tier III-type**  
34           **offense.** An offender convicted and sentenced in another jurisdiction and required to  
35           register in this State pursuant to section 11283 or section 11284 for an offense that  
36           includes the essential elements of a Tier III offense shall register for the duration of the  
37           registrant's life.

38           A. A Tier III registrant shall register in this State for the duration of the registrant's  
39           life if, pursuant to the other jurisdiction's sex offender registration statute, the  
40           registration period is for the duration of the offender's life.

41           B. A Tier III registrant shall register in this State for the duration of the registrant's  
42           life if registration was not required in that other jurisdiction and the person was

1           sentenced on or after January 1, 1982 in that jurisdiction for a crime that includes the  
2           essential elements of a Tier III offense.

3           **7. Periods when domiciled or residing outside State.** Notwithstanding any other  
4           provision of this section, during any period in which a registrant or offender leaves this  
5           State, establishes a domicile or residence in another state and remains physically absent  
6           from this State, the bureau, pursuant to any rules the bureau may adopt, may suspend the  
7           requirement that the registrant or offender verify registration information.

8           **8. Relief from duty to register.** The following provisions apply to relief from the  
9           duty to register.

10           A. An offender's or a Tier I registrant's duty to register for a period of 10 years is not  
11           required if the circumstances triggering the registration requirements under section  
12           11283 or section 11284 no longer exist.

13           B. An offender's or a Tier II registrant's duty to register for a period of at least 10 and  
14           no more than 25 years is not required if the circumstances triggering the registration  
15           requirements under section 11283 or section 11284 no longer exist.

16           C. An offender's or a Tier III registrant's duty to register for the duration of that  
17           person's life is not required if the circumstances triggering the registration  
18           requirements under section 11283 or section 11284 no longer exist.

19           D. If the underlying conviction in this State or in another jurisdiction that triggers the  
20           registration requirement is reversed, vacated or set aside, if the offender or registrant  
21           is pardoned for the crime or if the board determines that the offender or registrant no  
22           longer has a duty to register, registration is no longer required.

23           **§11286. Duty of person employed or attending college or school**

24           The following provisions govern registration duties for a person not domiciled or  
25           residing in this State but who is employed or attending college or school in this State.

26           **1. Time.** A person who has been sentenced at any time for a military, tribal or  
27           federal offense requiring registration pursuant to the federal Jacob Wetterling Crimes  
28           Against Children and Sexually Violent Offender Registration Act, also known as the  
29           Jacob Wetterling Act, Section 170101 of the federal Violent Crime Control and Law  
30           Enforcement Act of 1994, Public Law 103-322, as amended; or the federal Adam Walsh  
31           Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code,  
32           Chapter 151; or in a jurisdiction other than this State and who is required under that  
33           jurisdiction to register pursuant to that jurisdiction's sex offender registration statute or  
34           would have been required to register if the person had remained in that jurisdiction or, if  
35           not so required, who has been sentenced on or after October 15, 2011 for an offense that  
36           includes the essential elements of a Tier I offense, Tier II offense or Tier III offense shall  
37           register as a 10-year registrant, a 25-year registrant or a lifetime registrant, whichever is  
38           applicable, within 5 days and shall notify the law enforcement agency having jurisdiction:

39           A. Within 24 hours of beginning full-time or part-time employment, with or without  
40           compensation, for more than 14 consecutive days or for an aggregate period  
41           exceeding 30 days in a calendar year in this State; or

1           B. Within 24 hours of beginning college or school on a full-time or part-time basis in  
2           this State.

3           **2. Process for notifying bureau.** The person under subsection 1 shall contact the  
4           bureau, which shall provide the person with a registration form and direct the person to  
5           take the form and a photograph of the person to the law enforcement agency having  
6           jurisdiction. The law enforcement agency shall supervise the completion of the form, take  
7           the person's fingerprints and immediately forward the form, photograph and fingerprints  
8           to the bureau.

9           **§11287. Fee**

10           The bureau may charge a \$25 annual fee to persons required to register under this  
11           chapter. Registrants shall pay the fee at the time of initial registration and shall pay the  
12           fee on each anniversary of their initial registration.

13           The fee must be credited to the General Fund and the Highway Fund in an amount  
14           consistent with currently budgeted appropriations and allocations.

15           **§11288. Violation**

16           **1. Failure to comply; first offense.** A person to whom this chapter applies pursuant  
17           to section 11272 who in fact fails to comply with any duty imposed under this chapter or  
18           a rule adopted pursuant to this chapter commits a Class D crime.

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

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

25           **4. Strict liability.** Violation of this section is a strict liability crime as defined in  
26           Title 17-A, section 34, subsection 4-A.

27           **5. Prior convictions.** Title 17-A, section 9-A governs the use of prior convictions  
28           when determining a sentence.

29           **6. Affirmative defense.** It is an affirmative defense that the failure to comply with a  
30           duty imposed under this chapter or a rule adopted pursuant to this chapter resulted from  
31           just cause.

32           **7. Permissible inference.** Proof that the name and date of birth of the person  
33           charged with a violation of this section are the same as those of a person who has been  
34           convicted of an offense requiring registration pursuant to this chapter gives rise to a  
35           permissible inference under the Maine Rules of Evidence, Rule 303 that the person  
36           charged with a violation of this section is the same person as that person convicted of the  
37           offense requiring registration.



1 5. Access to records. Each person who is conducting the risk assessment must be  
2 given access to all records of the offender that are necessary to conduct the risk  
3 assessment, and the offender is deemed to have waived all rights of confidentiality and all  
4 privileges relating to those records for the limited purpose of the risk assessment. The  
5 information may not be released or used for any purposes other than the purposes for  
6 which the information was obtained.

7 6. Due process. After evaluating risk, the evaluator may change the offender's tier  
8 classification if the evaluator finds clear and convincing evidence to support that the  
9 offender's risk of committing a repeat sexual offense has changed since the time the  
10 offender was convicted and sentenced. However, before an offender may be finally  
11 assessed and assigned a tier classification, the offender must be offered the opportunity  
12 for an administrative evidentiary hearing to determine the offender's degree of  
13 dangerousness and likelihood for recidivating. As a result, information pertaining to an  
14 offender may not be made available to the public unless the offender has been given the  
15 opportunity for a hearing. Once an offender's risk is finally classified by the evaluator,  
16 the offender's registry information, including tier classification, is available to the public.

17 **§11302. Reporting**

18 As part of the development and evaluation of the risk assessment instrument, the  
19 department shall identify the types of treatment that offenders are receiving while  
20 incarcerated and any data measuring the success and failure of such treatments.

21 **§11303. Community education curriculum**

22 1. Curriculum. As part of the risk assessment process, the department shall develop  
23 a statewide community education curriculum regarding release of offenders into the  
24 community. The curriculum developed under this section must contain information for  
25 communities and neighborhoods regarding registration and risk assessment, including the  
26 rights of residents of a community into which an offender is released and the duties and  
27 roles of the department, the Department of Public Safety, other law enforcement agencies  
28 and the offender and information for families and children regarding personal safety,  
29 including potential warning signs that may help them to avoid victimization.

30 2. Distribution. The curriculum developed under this section must be made  
31 available to law enforcement agencies, school districts, local governments and other  
32 entities determined by the department and the Department of Public Safety to be in a  
33 position to educate the public on the subject of the release of an offender into a  
34 community. The curriculum may be distributed by any appropriate means, written or  
35 electronic, including by means of the Internet.

36 **SUBCHAPTER 4**

37 **NOTIFICATION**

38 **§11321. Immunity from liability**

39 Neither the failure to perform the requirements of this chapter nor compliance with  
40 this chapter subjects any state, municipal or county official or employee to liability in a

1 civil action. The immunity provided under this section applies to the release of relevant  
2 information to other officials or employees or to the general public.

3 **§11322. Risk assessment**

4 The department shall provide law enforcement agencies technical assistance  
5 concerning risk assessment and the community education curriculum under subchapter 3  
6 for purposes of notification to the public of a registrant's conditional release or discharge.

7 **§11323. Mandatory notification of conditional release or discharge of registrants**

8 The department, county jails, state mental health institutes and the Department of  
9 Public Safety, State Bureau of Identification are governed by the following notice  
10 provisions when a registrant is conditionally released or discharged.

11 **1. Duties.** The department, a county jail or a state mental health institute shall give  
12 the Department of Public Safety, State Bureau of Identification notice of the following:

13 A. The address where the registrant will be domiciled and reside;

14 B. The address where the registrant will work and attend college or school, if  
15 applicable;

16 C. The geographic area to which a registrant's conditional release is limited, if any;  
17 and

18 D. The status of the registrant when released as determined by the risk assessment  
19 instrument, the registrant's risk assessment score, a copy of the risk assessment  
20 instrument and applicable contact standards for the registrant.

21 **2. Duties of the Department of Public Safety, State Bureau of Identification.**  
22 Upon receipt of the information concerning the conditional release or discharge of a  
23 registrant pursuant to subsection 1, the Department of Public Safety, State Bureau of  
24 Identification shall forward the information in subsection 1 to all law enforcement  
25 agencies that have jurisdiction in those areas where the registrant may be domiciled,  
26 reside, work or attend college or school.

27 **§11324. Public notification**

28 **1. Department.** Upon the conditional release or discharge of a registrant from a  
29 state correctional institution, the department shall give notice of the information under  
30 section 11323, subsection 1 to members of the public the department determines  
31 appropriate to ensure public safety.

32 **2. Law enforcement agencies.** Upon receipt of the information concerning the  
33 conditional release or discharge of a registrant pursuant to section 11323, subsection 2, a  
34 law enforcement agency shall notify members of a municipality that the law enforcement  
35 agency determines appropriate to ensure public safety.

1 **SUMMARY**

2 This bill creates the Sex Offender Registration and Notification Act of 2011, which is  
3 applicable to persons sentenced on or after October 15, 2011. The Act maintains  
4 registration and notification provisions but adds to these processes a tiering system and  
5 the development and application of risk assessment. The new Act's purpose continues to  
6 be to protect the public from potentially dangerous registrants and offenders by enhancing  
7 access to information concerning registrants and offenders.

8 Offenders are classified by offense as Tier I, Tier II or Tier III offenders and must  
9 register for 10 years, for 25 years or for life, respectively. However, the bill also creates a  
10 new risk assessment process, which involves the Department of Corrections' coordinating  
11 the adoption or development of a risk assessment instrument and the qualifying of  
12 evaluators to apply the instrument. At certain times of verification of registration  
13 information, a registrant may request a risk assessment for purposes of reclassification or  
14 removal from the registry.

15 The bill adopts the same penalties for failure to comply with requirements of  
16 registration and adopts the same notification process as exists in the Maine Revised  
17 Statutes, Title 34-A, chapter 15, the Sex Offender Registration and Notification Act of  
18 1999.