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S.P. 233

In Senate, February 18, 2011

An Act To Amend the Sex Offender Registration Laws

Received by the Secretary of the Senate on February 18, 2011. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

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

2 **Sec. 1. 34-A MRSA §11225-A, sub-§5-A** is enacted to read:

3 **5-A. Periods of noncompliance.** During any period in which the 10-year registrant
4 fails to comply with verification requirements, the bureau, pursuant to any rules the
5 bureau may adopt, may toll the registration period for the duration of the time the
6 registrant is not in compliance. Once the registrant is in compliance, the 10-year period
7 must resume at the point at which it was tolled. The bureau shall maintain the registrant's
8 information on the Internet pursuant to section 11221, subsection 9, even when the
9 registrant is not in compliance.

10 **Sec. 2. 34-A MRSA §11227, sub-§1**, as repealed and replaced by PL 2005, c.
11 423, §23, is amended to read:

12 **1. Failure to comply; first offense.** A person to whom this chapter applies pursuant
13 to section 11202 who in fact fails to comply with any duty imposed under this chapter or
14 a rule adopted pursuant to this chapter commits a Class D crime, for which a minimum
15 period of incarceration of 30 days must be imposed, none of which may be suspended.

16 **Sec. 3. 34-A MRSA §11227, sub-§2**, as repealed and replaced by PL 2005, c.
17 423, §23, is amended to read:

18 **2. Failure to comply; 2nd offense.** A person who has one prior conviction under
19 this section and who in fact fails to comply with any duty imposed under this chapter or a
20 rule adopted pursuant to this chapter commits a Class C crime, for which a minimum
21 period of incarceration of 2 years must be imposed, none of which may be suspended.

22 **Sec. 4. 34-A MRSA §11227, sub-§3**, as repealed and replaced by PL 2005, c.
23 423, §23, is amended to read:

24 **3. Failure to comply; 3rd offense.** A person who has 2 or more prior convictions
25 under this section and who in fact fails to comply with any duty imposed under this
26 chapter or a rule adopted pursuant to this chapter commits a Class B crime, for which a
27 minimum period of incarceration of 4 years must be imposed, none of which may be
28 suspended.

29 **Sec. 5. Develop a 3-tiered registration system.** The Joint Standing Committee
30 on Criminal Justice and Public Safety shall review the existing 2-tiered offense-based sex
31 offender registration system and shall determine how to allocate the categories of 10-year
32 registrant and lifetime registrant into 3 categories that require 10-year, 25-year and
33 lifetime registration periods. The committee shall use existing models from the Federal
34 Government and other state governments, as well as evidence-based research, to develop
35 its new system. The committee may introduce legislation to the 125th Legislature to
36 implement its recommendations.

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SUMMARY

2 This bill specifies that during any period in which a person subject to the 10-year
3 registrant requirements under the Sex Offender Registration and Notification Act of 1999,
4 as amended, fails to comply with verification requirements, the Department of Public
5 Safety, State Bureau of Identification, pursuant to any rules the bureau may adopt, may
6 toll the registration period for the duration of the time that the registrant is not in
7 compliance. Once the registrant is in compliance, the 10-year period resumes at the point
8 at which it was tolled. During this period, the bureau shall continue to maintain the
9 registrant's information on the Internet.

10 The bill creates mandatory minimum periods of incarceration for failure to comply
11 with any duty imposed or any rule adopted pursuant to the Sex Offender Registration and
12 Notification Act of 1999, as amended. For a first offense, a registrant must serve a
13 minimum of 30 days of incarceration; for a 2nd offense, a registrant must serve a
14 minimum of 2 years of incarceration; and for a 3rd or subsequent offense, a registrant
15 must serve a minimum of 4 years of incarceration. None of the minimum periods of
16 incarceration may be suspended.

17 The bill also directs the Joint Standing Committee on Criminal Justice and Public
18 Safety to review the existing 2-tiered offense-based sex offender registration system and
19 determine how to allocate the categories of 10-year registrant and lifetime registrant into
20 3 categories that require 10-year, 25-year and lifetime registration periods. The
21 committee shall use existing models from the Federal Government and other state
22 governments, as well as evidence-based research, to develop its new system. The
23 committee may introduce legislation to the 125th Legislature to implement its
24 recommendations for a 3-tiered registration system.