

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

An Act To Amend the Sex Offender Registration Laws

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

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

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

Sec. 2. 34-A MRSA §11227, sub-§1, as repealed and replaced by PL 2005, c. 423, §23, is amended to read:

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

Sec. 3. 34-A MRSA §11227, sub-§2, as repealed and replaced by PL 2005, c. 423, §23, is amended to read:

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

Sec. 4. 34-A MRSA §11227, sub-§3, as repealed and replaced by PL 2005, c. 423, §23, is amended to read:

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

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

SUMMARY

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

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

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