

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 Place Lifetime Restraining Orders on Violent Sex Offenders and Predatory Sex Offenders**

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

**Sec. 1. 17-A MRSA §261** is enacted to read:

### **§ 261. Standing criminal restraining order**

1. As part of the sentence for a violation of section 253, or for a violation of this chapter when a person, having in fact attained 18 years of age, violates this chapter and the victim has not in fact attained 12 years of age at the time of the crime, the court may issue a standing criminal restraining order under this section.

2. The standing criminal restraining order takes effect when the person is released from confinement.

3. The standing criminal restraining order may include, but is not limited to, enjoining the person from:

A. Residing within 10 miles of the victim's residence; and

B. Residing within 10 miles of where the offense was committed.

4. A standing criminal restraining order remains in effect until modified or revoked by the court for good cause shown.

5. Violation of a standing criminal restraining order is a Class D crime.

6. The standing criminal restraining order must contain the following language: "This order remains in effect until modified or revoked by the court for good cause shown. In accordance with the Maine Revised Statutes, Title 17-A, section 261, violation of a standing criminal restraining order is a Class D crime."

## **SUMMARY**

This bill establishes the authority of the court to issue a standing criminal restraining order that applies to persons convicted of certain sex offenses. The standing criminal restraining order takes effect when the defendant is released from confinement and continues until modified or revoked by the court for good cause shown. The order may include, but is not limited to, enjoining the defendant from residing within 10 miles of the victim's residence or within 10 miles of where the offense occurred. Violation of the order is a Class D crime.

The standing criminal restraining order is available to the court for gross sexual assault crimes as well as any sexual assaults in which the actor is at least 18 years of age and the victim is under 12.