

Title 34-A: CORRECTIONS
Chapter 15: SEX OFFENDER REGISTRATION
AND NOTIFICATION ACT OF 1999

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Maine Revised Statutes
Title 34-A: CORRECTIONS
Chapter 15: SEX OFFENDER REGISTRATION
AND NOTIFICATION ACT OF 1999

Subchapter 1: GENERAL PROVISIONS

§11201. SHORT TITLE

This chapter may be known and cited as the "Sex Offender Registration and Notification Act of 1999." The purpose of this chapter is to protect the public from potentially dangerous registrants and offenders by enhancing access to information concerning those registrants and offenders. [2009, c. 365, Pt. B, §1 (AMD); 2009, c. 365, Pt. B, §22 (AFF).]

SECTION HISTORY

1999, c. 437, §2 (NEW). 2001, c. 439, §0006 (AMD). 2003, c. 711, §C4 (AMD). 2003, c. 711, §D2 (AFF). 2009, c. 365, Pt. B, §1 (AMD). 2009, c. 365, Pt. B, §22 (AFF).

§11202. APPLICATION

Unless excepted under section 11202-A, this chapter applies to: [2009, c. 365, Pt. B, §2 (AMD); 2009, c. 365, Pt. B, §22 (AFF).]

1. Maine. A person sentenced in this State on or after January 1, 1982 for a sex offense or a sexually violent offense as an adult or as a juvenile sentenced as an adult; and

[2005, c. 423, §1 (NEW) .]

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

A. At any time of an offense that requires registration in the jurisdiction of conviction pursuant to that jurisdiction's sex offender registration laws or that would have required registration had the person remained there; [2009, c. 365, Pt. B, §2 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

B. On or after January 1, 1982, of an offense that contains the essential elements of a sex offense or sexually violent offense; or [2009, c. 365, Pt. B, §2 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

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

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

(2) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248. [2009, c. 365, Pt. B, §2 (NEW); 2009, c. 365, Pt. B, §22 (AFF) .]

[2009, c. 365, Pt. B, §2 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

SECTION HISTORY

1999, c. 437, §2 (NEW). 2001, c. 439, §0007 (AMD). 2003, c. 711, §D2 (AFF). 2003, c. 711, §C5 (RPR). 2005, c. 423, §1 (RPR). 2009, c. 365, Pt. B, §2 (AMD). 2009, c. 365, Pt. B, §22 (AFF).

§11202-A. EXCEPTION

1. Exception. Notwithstanding section 11202, a person is not required to register under this chapter if that person submits to the bureau, in a form to be determined by the bureau, documentation to establish the following:

A. The person was sentenced in the State on or after January 1, 1982 and prior to June 30, 1992 and was finally discharged from the correctional system at least 10 years prior to submitting documentation to the bureau under this section; the person was sentenced in the State on or after June 30, 1992 and prior to September 18, 1999 and was finally discharged from the correctional system at least 10 years prior to submitting documentation to the bureau under this section; the person was sentenced in another jurisdiction prior to September 18, 1999, was finally discharged from the correctional system at least 10 years prior to submitting documentation to the bureau under this section and has been in compliance with the registration duties as a resident required under subchapter 2 since September 12, 2009; or the person was sentenced in the State on or after September 18, 1999 and prior to July 30, 2004 for a violation of former Title 17-A, section 252 and was finally discharged from the correctional system at least 10 years prior to submitting documentation to the bureau under this section. For purposes of this paragraph, "finally discharged from the correctional system" includes completion of probation; [2015, c. 280, §1 (AMD).]

B. The person's convictions do not include more than one Class A sex offense or sexually violent offense or more than one conviction in another jurisdiction for an offense that contains the essential elements of a Class A sex offense or sexually violent offense, whether or not the convictions occurred on the same date; [2009, c. 365, Pt. B, §3 (NEW); 2009, c. 365, Pt. B, §22 (AFF).]

C. At the time of the offense, the person had not been previously sentenced in this State as an adult or as a juvenile sentenced as an adult for a sex offense or a sexually violent offense; [2009, c. 365, Pt. B, §3 (NEW); 2009, c. 365, Pt. B, §22 (AFF).]

D. At the time of the offense, the person had not been previously sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult for an offense that contains the essential elements of a sex offense or a sexually violent offense; [2009, c. 365, Pt. B, §3 (NEW); 2009, c. 365, Pt. B, §22 (AFF).]

E. Subsequent to the conviction for the sex offense or sexually violent offense, the person has not been convicted of and sentenced for a crime under Title 17 or Title 17-A in this State that is punishable by imprisonment for a term of one year or more; and [2015, c. 280, §1 (AMD).]

F. Subsequent to the conviction for the sex offense or sexually violent offense, the person has not been convicted of and sentenced for a crime under the laws of any other jurisdiction that is punishable by a term of imprisonment exceeding one year. This paragraph does not include a crime under the laws of another jurisdiction that is classified by the laws of that jurisdiction as a misdemeanor and is punishable by a term of imprisonment of 2 years or less. [2015, c. 280, §1 (AMD).]

[2015, c. 280, §1 (AMD).]

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

[2009, c. 365, Pt. B, §3 (NEW); 2009, c. 365, Pt. B, §22 (AFF).]

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

[2009, c. 365, Pt. B, §3 (NEW); 2009, c. 365, Pt. B, §22 (AFF) .]

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

[2009, c. 570, §1 (AMD) .]

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

[2009, c. 570, §1 (NEW) .]

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

[2009, c. 570, §1 (NEW) .]

SECTION HISTORY

2009, c. 365, Pt. B, §3 (NEW). 2009, c. 365, Pt. B, §22 (AFF). 2009, c. 570, §1 (AMD). 2015, c. 280, §1 (AMD).

§11203. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1999, c. 437, §2 (NEW).]

1. Bureau. "Bureau" means the State Bureau of Identification.

[1999, c. 437, §2 (NEW) .]

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

[2013, c. 133, §32 (AMD) .]

1-B. Discharge. "Discharge" means unconditional release and discharge of a registrant from institutional confinement upon the expiration of a sentence or upon discharge under Title 15, section 104-A.

[2003, c. 711, Pt. C, §6 (AMD); 2003, c. 711, Pt. D, §2 (AFF) .]

1-C. Another state. "Another state" means each of the several states except Maine, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Northern Mariana Islands.

[2003, c. 711, Pt. C, §7 (NEW); 2003, c. 711, Pt. D, §2 (AFF) .]

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

[2003, c. 711, Pt. C, §8 (RPR); 2003, c. 711, Pt. D, §2 (AFF) .]

3. FBI. "FBI" means the Federal Bureau of Investigation.

[1999, c. 437, §2 (NEW) .]

3-A. Jurisdiction. "Jurisdiction" means the Federal Government, including the military, this State or another state or tribe.

[2003, c. 711, Pt. C, §7 (NEW); 2003, c. 711, Pt. D, §2 (AFF) .]

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

[2009, c. 365, Pt. B, §5 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

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

[2009, c. 365, Pt. B, §6 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

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

[2001, c. 533, §1 (NEW) .]

4-C. Registrant. "Registrant" means a 10-year registrant or a lifetime registrant or, when appropriate, both a 10-year registrant and a lifetime registrant.

[2003, c. 711, Pt. C, §11 (NEW); 2003, c. 711, Pt. D, §2 (AFF) .]

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

[2009, c. 365, Pt. B, §7 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

4-E. Offender. "Offender" means a person to whom this chapter applies pursuant to section 11202.

[2009, c. 365, Pt. B, §8 (NEW); 2009, c. 365, Pt. B, §22 (AFF) .]

5. Ten-year registrant. "Ten-year registrant" means a person who has complied with the initial duty to register under this chapter as an adult convicted and sentenced or a juvenile convicted and sentenced as an adult of a sex offense.

[2009, c. 365, Pt. B, §9 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

6. Sex offense. "Sex offense" means a conviction for one of the following offenses or for an attempt or solicitation of one of the following offenses if the victim was less than 18 years of age at the time of the criminal conduct:

A. [2005, c. 423, §4 (RP) .]

B. A violation under former Title 17, section 2922; former Title 17, section 2923; former Title 17, section 2924; Title 17-A, section 253, subsection 2, paragraph E, F, G, H, I or J; Title 17-A, section 254; former Title 17-A, section 255, subsection 1, paragraph A, E, F, G, I or J; former Title 17-A, section 255, subsection 1, paragraph B or D if the crime was not elevated a class under former Title 17-A, section 255, subsection 3; Title 17-A, section 255-A, subsection 1, paragraph A, B, C, F-2, G, I, J, K, L, M, N, Q, R, S or T; Title 17-A, section 256; Title 17-A, section 258; former Title 17-A, section 259; Title 17-A, section 282; Title 17-A, section 283; Title 17-A, section 284; Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3), unless the actor is a parent of the victim; Title 17-A, section 511, subsection 1, paragraph D; Title 17-A, section 556; Title 17-A, section 852, subsection 1, paragraph B; or Title 17-A, section 855; [2013, c. 424, Pt. A, §19 (RPR) .]

C. A violation in another jurisdiction that includes the essential elements of an offense listed in paragraph B; or [2009, c. 365, Pt. B, §11 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

D. A conviction for a military, tribal or federal offense requiring registration pursuant to:

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

(2) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248. [2009, c. 365, Pt. B, §12 (NEW); 2009, c. 365, Pt. B, §22 (AFF) .]

[2011, c. 597, §6 (AMD); 2011, c. 604, §3 (AMD); 2011, c. 604, §4 (AFF); 2013, c. 424, Pt. A, §19 (AMD) .]

6-A. Sex offense; after October 1, 2011. For persons convicted and sentenced on or after October 1, 2011, "sex offense" means, in addition to the offenses listed in subsection 6, a conviction for one of the following offenses or for an attempt or solicitation of one of the following offenses, without regard to the age of the victim:

A. Title 17-A, section 253, subsection 2, paragraphs J, K and L and Title 17-A, section 255-A, subsection 1, paragraphs C, G, Q, R, R-1, R-2, W and X; [2011, c. 423, §10 (NEW) .]

B. A violation in another jurisdiction that includes the essential elements of an offense listed in paragraph A; or [2011, c. 423, §10 (NEW) .]

C. A conviction for a military, tribal or federal offense requiring registration pursuant to:

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

(2) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248. [2011, c. 423, §10 (NEW) .]

[2011, c. 423, §10 (NEW) .]

6-B. Sex offense; after October 1, 2012. For persons convicted and sentenced on or after October 1, 2012, "sex offense" means, in addition to the offenses listed in subsections 6 and 6-A:

- A. A conviction for an offense under Title 17-A, section 259-A or for an attempt or conspiracy to commit an offense under Title 17-A, section 259-A; [2011, c. 597, §7 (NEW) .]
- B. A violation in another jurisdiction that includes the essential elements of an offense listed under Title 17-A, section 259-A; or [2011, c. 597, §7 (NEW) .]
- C. A conviction for a military, tribal or federal offense requiring registration pursuant to:
 - (1) The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, as amended; or
 - (2) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248. [2011, c. 597, §7 (NEW) .]

[2011, c. 597, §7 (NEW) .]

7. Sexually violent offense. "Sexually violent offense" means:

- A. A conviction for one of the offenses or for an attempt to commit one of the offenses under former Title 17-A, section 252; under Title 17-A, section 253, subsection 1; Title 17-A, section 253, subsection 2, paragraph A, B, C or D; former Title 17-A, section 255, subsection 1, paragraph C or H; former Title 17-A, section 255, subsection 1, paragraph B or D, if the crime was elevated a class under former Title 17-A, section 255, subsection 3; Title 17-A, section 255-A, subsection 1, paragraph D, E, E-1, F, F-1, H, O or P; [2009, c. 365, Pt. B, §13 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]
- B. A conviction for an offense or for an attempt to commit an offense of the law in another jurisdiction that includes the essential elements of an offense listed in paragraph A; or [2009, c. 365, Pt. B, §13 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]
- C. A conviction for a military, tribal or federal offense requiring registration pursuant to:
 - (1) The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, as amended; or
 - (2) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248. [2009, c. 365, Pt. B, §13 (NEW); 2009, c. 365, Pt. B, §22 (AFF) .]

[2009, c. 365, Pt. B, §13 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

8. Lifetime registrant. "Lifetime registrant" means a person who has complied with the initial duty to register under this chapter as an adult convicted and sentenced or a juvenile convicted and sentenced as an adult of a:

- A. Sexually violent offense; or [1999, c. 437, §2 (NEW) .]
- B. Sex offense when the person has another conviction for or an attempt to commit an offense that includes the essential elements of a sex offense or sexually violent offense. For purposes of this paragraph, "another conviction" means:
 - (1) For persons convicted and sentenced before September 17, 2005, a conviction for an offense for which sentence was imposed prior to the occurrence of the new offense; and
 - (2) For persons convicted and sentenced on or after September 17, 2005, a conviction that occurred at any time. Convictions that occur on the same day may be counted as other offenses for the purposes of classifying a person as a lifetime registrant if:
 - (a) There is more than one victim; or

(b) The convictions are for offenses based on different conduct or arising from different criminal episodes. [2009, c. 365, Pt. B, §14 (AMD); 2009, c. 365, Pt. B, §22 (AFF).]

[2009, c. 365, Pt. B, §14 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

9. Tribe. "Tribe" means the Passamaquoddy Tribe or the Penobscot Nation.

[2003, c. 711, Pt. C, §16 (NEW); 2003, c. 711, Pt. D, §2 (AFF) .]

SECTION HISTORY

1999, c. 437, §2 (NEW). 2001, c. 383, §§153,154 (AMD). 2001, c. 383, §156 (AFF). 2001, c. 439, §§0008-10 (AMD). 2001, c. 553, §§1-4 (AMD). 2001, c. 553, §10 (AFF). 2003, c. 371, §§1-3 (AMD). 2003, c. 711, §§C6-16 (AMD). 2003, c. 711, §D2 (AFF). 2005, c. 423, §§2-7 (AMD). 2009, c. 365, Pt. B, §§4-14 (AMD). 2009, c. 365, Pt. B, §22 (AFF). 2011, c. 423, §10 (AMD). 2011, c. 597, §§6, 7 (AMD). 2011, c. 604, §3 (AMD). 2011, c. 604, §4 (AFF). 2013, c. 133, §32 (AMD). 2013, c. 424, Pt. A, §19 (AMD).

§11204. RULEMAKING

The bureau may adopt rules necessary to implement this chapter. Rules adopted pursuant to this chapter are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [2005, c. 423, §8 (NEW).]

SECTION HISTORY

2005, c. 423, §8 (NEW).

Subchapter 2: SEX OFFENDER REGISTRATION

§11221. MAINTENANCE OF SEX OFFENDER REGISTRY

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

- A. The registrant's name, aliases, date of birth, sex, race, height, weight, eye color, mailing address and physical location of expected domicile and residence; [2005, c. 423, §9 (AMD).]
- B. Place of employment and college or school being attended, if applicable, and the corresponding address and location; [2003, c. 371, §4 (AMD).]
- C. Offense history; [1999, c. 437, §2 (NEW).]
- D. Notation of any treatment received for a mental abnormality or personality disorder; [1999, c. 437, §2 (NEW).]
- E. A photograph and set of fingerprints; [1999, c. 437, §2 (NEW).]
- F. A description of the offense for which the registrant was convicted, the date of conviction and the sentence imposed; and [2003, c. 711, Pt. C, §17 (AMD); 2003, c. 711, Pt. D, §2 (AFF).]
- G. Any other information the bureau determines important. [1999, c. 437, §2 (NEW).]

[2005, c. 423, §9 (AMD) .]

2. National or regional registry. The bureau is authorized to make the registry available to and accept files from a national or regional registry of registrants for the purpose of sharing information.

[2003, c. 711, Pt. C, §18 (AMD); 2003, c. 711, Pt. D, §2 (AFF) .]

3. Registration form. The bureau shall develop a standardized registration form to be made available to the appropriate reporting authorities and persons required to register.

[1999, c. 437, §2 (NEW) .]

4. Verification form. The bureau shall develop and mail a nonforwardable verification form to the last reported mailing address of each person required to meet the verification requirements of this chapter.

[1999, c. 437, §2 (NEW) .]

5. Sexually violent predator directory.

[2003, c. 371, §5 (RP) .]

6. Distribution of information to department and law enforcement agencies. The bureau shall distribute information described in subsection 1 to the department and law enforcement agencies having jurisdiction over the address and location of the registrant's domicile, residence, place of employment and college or school being attended.

[2005, c. 423, §10 (AMD) .]

7. Rules.

[2005, c. 423, §11 (RP) .]

8. Criminal justice agency access to information. The bureau shall provide access to the information described in subsection 1 to criminal justice agencies. For purposes of this subsection, "criminal justice agency" has the same meaning as in Title 16, section 703, subsection 4.

[2013, c. 267, Pt. B, §28 (AMD) .]

9. Public access to information. The bureau shall provide information to the public as follows.

A. The bureau shall post on the Internet for public inspection the following information concerning a registrant:

- (1) The registrant's name, date of birth and photograph;
- (2) The registrant's city or town of domicile and residence;
- (3) The registrant's place of employment and college or school being attended, if applicable, and the corresponding address and location;
- (4) The statutory citation and name of the offense for which the registrant was convicted; and
- (5) The registrant's designation as a 10-year registrant or a lifetime registrant. [2011, c. 307, §1 (AMD) .]

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

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

- (2) The registrant's place of employment and college or school being attended, if applicable, and the corresponding address and location;
- (3) A description of the offense for which the registrant was convicted, the date of conviction and the sentence imposed; and
- (4) The registrant's photograph. [2005, c. 423, §12 (AMD) .]

[2011, c. 307, §1 (AMD) .]

9-A. Registry information. Registry information created, collected or maintained by the bureau, including, but not limited to, information relating to the identity of persons accessing the registry, is confidential, except the following are public records:

A. Information provided to the public pursuant to subsection 9; and [2011, c. 299, §1 (NEW) .]

B. Applications and bureau decisions, including any documents made part of those decisions, pursuant to section 11202-A. [2011, c. 299, §1 (NEW) .]

[2011, c. 299, §1 (NEW) .]

10. Registrant access to information. The bureau shall provide all information described in subsection 1, paragraphs A to F to a registrant who requests that person's own information. The process for access and review of that information is governed by Title 16, section 709.

[2013, c. 267, Pt. B, §29 (AMD) .]

11. Maintenance by bureau. Only the bureau is authorized to maintain a sex offender registry on the Internet for purposes of public access as described in subsection 9.

[2005, c. 545, §1 (AMD) .]

12. Law enforcement agency website. A law enforcement agency may maintain its own sex offender website and may make that information available for use by the public if:

A. A notice is prominently posted on the website that expressly states that the website is not the official state sex offender registry under subsection 1 and that the law enforcement agency posting the website is solely responsible for the website's content; [2005, c. 545, §2 (NEW) .]

B. The website provides a link to the bureau's Internet sex offender registry under subsection 1; [2005, c. 545, §2 (NEW) .]

C. The website contains information regarding only registrants who are domiciled, reside, attend college or school or work within the posting law enforcement agency's jurisdiction; and [2005, c. 545, §2 (NEW) .]

D. The information on the website is updated by the law enforcement agency as frequently as available resources permit, but no less than every 7 days. The law enforcement agency shall also prominently post on the website the date and time of the most recent update to the website. [2005, c. 545, §2 (NEW) .]

[2005, c. 545, §2 (NEW) .]

13. Access to registrant information existing in electronic form restricted. Notwithstanding Title 1, chapter 13:

A. The bureau may not disseminate in electronic form information about a registrant that is created, collected or maintained in electronic form by or for the bureau, except as made available to the public through the bureau's Internet website pursuant to subsection 9 and made available to the Background Check Center established pursuant to Title 22, chapter 1691; and [2015, c. 299, §26 (AMD).]

B. Except as made available to the public through an Internet website maintained by a law enforcement agency pursuant to subsection 12, a law enforcement agency may not disseminate in electronic form information about a registrant that is collected or maintained in electronic form by or for the law enforcement agency. [2011, c. 299, §3 (NEW).]

[2015, c. 299, §26 (AMD).]

SECTION HISTORY

1999, c. 437, §2 (NEW). 2003, c. 371, §§4-7 (AMD). 2003, c. 711, §§C17-20 (AMD). 2003, c. 711, §D2 (AFF). 2005, c. 423, §§9-13 (AMD). 2005, c. 545, §§1,2 (AMD). 2011, c. 299, §§1-3 (AMD). 2011, c. 307, §1 (AMD). 2013, c. 267, Pt. B, §§28, 29 (AMD). 2015, c. 299, §26 (AMD).

§11222. DUTY OF OFFENDER TO REGISTER

1. Notification by court, the department, the bureau or a law enforcement agency. An offender has a duty to register under this chapter after notification has been given to the offender by a court of jurisdiction, the department, the bureau or a law enforcement agency. A court shall notify the offender at the time of sentence of the duty to register pursuant to this chapter. Notification of the duty to register under this chapter also may be given to the offender at any time after the imposition of sentence.

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

[2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF).]

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

A. If the offender is sentenced to a wholly suspended sentence with probation or administrative release, or to a punishment alternative not involving imprisonment, the duty to register is triggered at the time the person commences in actual execution of the wholly suspended sentence or at the time of sentence imposition when no punishment alternative involving imprisonment is imposed, unless the court orders a stay of execution, in which event the duty is triggered by the termination of the stay. [2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF).]

B. If the offender is sentenced to a straight term of imprisonment or to a split sentence, the duty to register is triggered by discharge or conditional release. [2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF).]

C. If the offender is committed under Title 15, section 103, the duty to register is triggered by discharge or conditional release under Title 15, section 104-A. [2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF).]

D. If the events stated in paragraphs A to C have passed, an offender must register within 5 days after having received notice of that duty from a court, the department, the bureau or a law enforcement agency. [2009, c. 365, Pt. B, §15 (NEW); 2009, c. 365, Pt. B, §22 (AFF).]

E. Proof that the name and date of birth of the person notified of the duty to register pursuant to this chapter are the same as those of a person who has been convicted of an offense requiring registration pursuant to this chapter gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person notified of the duty to register is the same person as that person convicted of the offense requiring registration. [2009, c. 365, Pt. B, §15 (NEW); 2009, c. 365, Pt. B, §22 (AFF).]

[2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

1-B. Duty to notify law enforcement agency. An offender shall notify the law enforcement agency having jurisdiction in those areas where the offender is domiciled, resides, works or attends school within 24 hours of becoming a domiciliary or a resident or beginning work or attending school. If the location is a municipality with an organized municipal police department, the law enforcement agency having jurisdiction is the municipal police department. If the location is a school having an organized police department, the law enforcement agency having jurisdiction is the campus police department. If the location is neither a municipality nor a school with an organized police department, the law enforcement agency having jurisdiction is the sheriff's department.

[2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

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

A. Inform the offender of the duty to register and obtain the information required for the initial registration; [2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

A-1. Inform the offender of the requirement to notify the law enforcement agency having jurisdiction pursuant to subsection 1-B; [2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

B. Inform the offender that if the offender changes domicile or changes residence, place of employment or college or school being attended, the offender shall give the new address to the bureau in writing within 5 days and shall notify the law enforcement agency having jurisdiction within 24 hours; [2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

C. Inform the offender that if that offender changes domicile to another state, the offender shall register the new address with the bureau and if the new state has a registration requirement, the offender shall register with a designated law enforcement agency in the new state not later than 5 days after establishing domicile in the new state; [2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

D. Inform the offender that if that offender has part-time or full-time employment in another state, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year or if that offender enrolls in any type of school in another state on a part-time or full-time basis, the offender shall give the bureau the offender's place of employment or school to be attended in writing within 5 days after beginning work or attending school and if the other state has a registration requirement, shall register with the designated law enforcement agency in the other state; [2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

E. Obtain fingerprints and a photograph of the offender or the court may order the offender to submit to the taking of fingerprints and a photograph at a specified law enforcement agency within 3 days if the fingerprints and photograph have not already been obtained in connection with the offense that necessitates registration; and [2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

F. Enforce the requirement that the offender read and sign a form provided by the bureau that states that the duty of the offender to register under this section has been explained. [2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF).]

[2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

2-A. Duty of registrant sentenced from June 30, 1992 to September 17, 1999 to register.

Notwithstanding subsection 1, a person coming within the definition of a 10-year registrant or lifetime registrant who has been sentenced on or after June 30, 1992 but before September 18, 1999 for a sex offense or a sexually violent offense shall register either as a 10-year registrant or lifetime registrant, whichever is applicable, if the duty to register has been triggered under subsection 1-A, paragraph A, B or C and the offender has been notified of the duty to register by a court of jurisdiction, the department, the bureau or a law enforcement agency. The offender shall register with the bureau within 5 days of notice.

[2015, c. 280, §2 (AMD) .]

2-B. Duty to register for new crimes. For a person who has been sentenced for a crime added by an amendment to the definition of sex offense or sexually violent offense in section 11203 since September 1, 2002, if the duty to register has been triggered under subsection 1-A, paragraph A, B or C and the offender has been notified of the duty to register by a court of jurisdiction, the department, the bureau or a law enforcement agency, that person shall register as a 10-year registrant or a lifetime registrant, whichever is applicable. The offender shall register with the bureau within 5 days of notice.

[2015, c. 280, §2 (AMD) .]

2-C. Duty of registrant sentenced from January 1, 1982 to June 29, 1992 to register.

Notwithstanding subsection 1, a person who meets the definition of a 10-year registrant or a lifetime registrant who has been sentenced on or after January 1, 1982 but before June 30, 1992 for a sex offense or a sexually violent offense shall register either as a 10-year registrant or a lifetime registrant, whichever is applicable, if the duty to register has been triggered under subsection 1-A, paragraph A, B or C and the offender has been notified of the duty to register by a court of jurisdiction, the department, the bureau or a law enforcement agency. The offender shall register with the bureau within 5 days of notice.

[2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

3. Transfer of initial registration information to bureau and FBI. The department, county jail, state mental health institute or court within 3 days of receipt of the information described in subsection 2 shall forward the information to the bureau. If the court orders the offender to submit to the taking of fingerprints and a photograph at a specified law enforcement agency, the law enforcement agency shall submit the fingerprints and photograph to the bureau within 3 days. The bureau shall immediately enter the information into the registration system, notify the law enforcement agencies having jurisdiction where the offender expects to be domiciled and reside and transmit the information to the FBI for inclusion in the national FBI sex offender database.

[2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

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

A. At least 10 days prior to the required verification date, the bureau shall mail a nonforwardable verification form to the last reported mailing address of the registrant. The verification form is deemed received 3 days after mailing unless returned by postal authorities. [2005, c. 423, §17 (AMD).]

B. [2005, c. 423, §17 (RP).]

C. The registrant shall take the completed verification form and a current photograph of the registrant to the law enforcement agency having jurisdiction within 5 days of receipt of the form. [2009, c. 570, §2 (AMD).]

D. The law enforcement agency having jurisdiction shall verify the registrant's identity, have the registrant sign the verification form, take the registrant's fingerprints, complete the law enforcement portion of the verification form and immediately forward the fingerprints, photograph and form to the bureau. [2003, c. 711, Pt. C, §21 (AMD); 2003, c. 711, Pt. D, §2 (AFF).]

[2015, c. 280, §3 (AMD).]

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

A. At least 10 days prior to the required verification date, the bureau shall mail a nonforwardable verification form to the last reported mailing address of the 10-year registrant. The verification form is deemed received 3 days after mailing unless returned by postal authorities. [2009, c. 570, §3 (NEW).]

B. The 10-year registrant shall mail to the bureau the completed written verification form and a current photograph on each anniversary of the 10-year registrant's initial registration date within 5 days of receipt of the form, except as provided in paragraph C. [2009, c. 570, §3 (NEW).]

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

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

(2) If authorized in writing by the law enforcement agency having jurisdiction or the bureau, to submit a new photograph without appearing in person. [2015, c. 280, §4 (AMD).]

D. Whenever in-person verification is mandated pursuant to paragraph C, the law enforcement agency having jurisdiction shall verify the 10-year registrant's identity, have the 10-year registrant sign the verification form, take the registrant's fingerprints, complete the law enforcement portion of the verification form and immediately forward the fingerprints, photograph and form to the bureau. [2009, c. 570, §3 (NEW).]

[2011, c. 420, Pt. C, §4 (AMD); 2015, c. 280, §4 (AMD).]

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

A. At least 10 days prior to the required verification date, the bureau shall mail a nonforwardable verification form to the last reported mailing address of the lifetime registrant. The verification form is deemed received 3 days after mailing unless returned by postal authorities. [2009, c. 570, §4 (NEW).]

B. The lifetime registrant shall mail to the bureau the completed written verification form and a current photograph every 3 months after that lifetime registrant's initial registration date within 5 days of receipt of the form, except as provided in paragraph C. [2015, c. 280, §5 (AMD).]

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

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

(2) If authorized in writing by the law enforcement agency having jurisdiction or the bureau, to submit a new photograph without appearing in person. [2015, c. 280, §5 (AMD).]

D. Whenever in-person verification is mandated pursuant to paragraph C, the law enforcement agency having jurisdiction shall verify the lifetime registrant's identity, have the lifetime registrant sign the verification form, take the lifetime registrant's fingerprints, complete the law enforcement portion of the verification form and immediately forward the fingerprints, photograph and form to the bureau. [2009, c. 570, §4 (NEW).]

[2011, c. 420, Pt. C, §5 (AMD); 2015, c. 280, §5 (AMD) .]

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

A. At least 10 days prior to the required verification date, the bureau shall mail a nonforwardable verification form to the last reported mailing address of the lifetime registrant. The verification form is deemed received 3 days after mailing unless returned by postal authorities. [2015, c. 280, §6 (NEW).]

B. The lifetime registrant shall mail to the bureau the completed written verification form and a current photograph every 3 months after that lifetime registrant's initial registration date within 5 days of receipt of the form, except as provided in paragraph C. [2015, c. 280, §6 (NEW).]

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

- (1) To appear in person at the law enforcement agency having jurisdiction with a current photograph or to allow a photograph to be taken; or
- (2) If authorized in writing by the law enforcement agency having jurisdiction or the bureau, to submit a new photograph without appearing in person. [2015, c. 280, §6 (NEW).]

D. Whenever in-person verification is mandated pursuant to paragraph C, the law enforcement agency having jurisdiction shall verify the lifetime registrant's identity, have the lifetime registrant sign the verification form, take the lifetime registrant's fingerprints, complete the law enforcement portion of the verification form and immediately forward the fingerprints, photograph and form to the bureau. [2015, c. 280, §6 (NEW).]

[2015, c. 280, §6 (NEW) .]

5. Change of domicile, residence, place of employment or college or school being attended.

An offender or registrant shall notify the bureau in writing of a change of residence, domicile, place of employment or college or school being attended within 5 days and shall notify the law enforcement agency having jurisdiction within 24 hours after changing that domicile, residence, place of employment or college or school being attended.

A. If the offender or registrant establishes a new domicile, residence, place of employment or college or school being attended in the State, the bureau shall notify, within 3 days, both the law enforcement agency having jurisdiction where the offender or registrant was formerly domiciled or resided or was employed or enrolled and the law enforcement agency having jurisdiction where the offender or registrant is currently domiciled, residing, employed or enrolled. [2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF).]

B. If the offender or registrant establishes a domicile, residence, place of employment or college or school being attended in another state, the bureau shall notify, within 3 days, the law enforcement agency having jurisdiction where the offender or registrant was formerly domiciled or resided or was employed or enrolled and the law enforcement agency having jurisdiction where the offender or registrant is currently domiciled, residing, employed or enrolled. [2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF).]

[2009, c. 365, Pt. B, §15 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

SECTION HISTORY

1999, c. 437, §2 (NEW). 2001, c. 439, §00011 (AMD). 2001, c. 553, §§5,6 (AMD). 2003, c. 371, §§8-10 (AMD). 2003, c. 711, §C21 (AMD). 2003, c. 711, §D2 (AFF). 2005, c. 423, §§14-18 (AMD). 2005, c. 683, §B28 (AMD). 2009, c. 365, Pt. B, §15 (AMD). 2009, c. 365, Pt. B, §22 (AFF). 2009, c. 570, §§2-4 (AMD). 2011, c. 420, Pt. C, §§4, 5 (AMD). 2015, c. 280, §§2-6 (AMD).

§11223. DUTY OF PERSON ESTABLISHING DOMICILE OR RESIDENCE TO REGISTER

A person sentenced at any time for a military, tribal or federal offense requiring registration pursuant to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994,

Public Law 103-322, as amended; or the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248; or in a jurisdiction other than this State who is required under that jurisdiction to register pursuant to that jurisdiction's sex offender registration statute or would have been required to register if the person had remained in the jurisdiction or, if not so required, who has been sentenced on or after January 1, 1982 for an offense that includes the essential elements of a sex offense or a sexually violent offense shall register as a 10-year registrant or lifetime registrant, whichever is applicable, within 5 days and shall notify the law enforcement agency having jurisdiction within 24 hours of establishing domicile or residence in this State. The person shall contact the bureau, which shall provide the person with the registration form and direct the person to take the form and a photograph of the person to the law enforcement agency having jurisdiction. The law enforcement agency shall supervise the completion of the form, take the person's fingerprints and immediately forward the form, photograph and fingerprints to the bureau. [2009, c. 365, Pt. B, §16 (AMD); 2009, c. 365, Pt. B, §22 (AFF).]

SECTION HISTORY

1999, c. 437, §2 (NEW). 2003, c. 371, §11 (AMD). 2003, c. 711, §C22 (AMD). 2003, c. 711, §D2 (AFF). 2005, c. 423, §19 (AMD). 2009, c. 365, Pt. B, §16 (AMD). 2009, c. 365, Pt. B, §22 (AFF).

§11224. DUTY OF PERSON EMPLOYED OR ATTENDING COLLEGE OR SCHOOL

The following provisions govern registration duties for a person not domiciled or residing in this State but who is employed or attending college or school in this State. [2005, c. 423, §20 (RPR).]

1. Time. A person who has been sentenced at any time for a military, tribal or federal offense requiring registration pursuant to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, as amended; or the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248; or in a jurisdiction other than this State and who is required under that jurisdiction to register pursuant to that jurisdiction's sex offender registration statute or would have been required to register if the person had remained in that jurisdiction or, if not so required, who has been sentenced on or after January 1, 1982 for an offense that includes the essential elements of a sex offense or a sexually violent offense shall register as a 10-year registrant or lifetime registrant, whichever is applicable, within 5 days and shall notify the law enforcement agency having jurisdiction:

A. Within 24 hours of beginning full-time or part-time employment, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year in this State; or [2005, c. 423, §20 (NEW).]

B. Within 24 hours of beginning college or school on a full-time or part-time basis in this State. [2005, c. 423, §20 (NEW).]

[2009, c. 365, Pt. B, §17 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

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

[2005, c. 423, §20 (NEW) .]

SECTION HISTORY

1999, c. 437, §2 (NEW). 2003, c. 371, §11 (AMD). 2003, c. 711, §C22 (AMD). 2003, c. 711, §D2 (AFF). 2005, c. 423, §20 (RPR). 2009, c. 365, Pt. B, §17 (AMD). 2009, c. 365, Pt. B, §22 (AFF).

§11225. DURATION OF REGISTRATION

(REPEALED)

SECTION HISTORY

1999, c. 437, §2 (NEW). 2001, c. 439, §00012 (AMD). 2001, c. 553, §§7,8 (AMD). 2003, c. 711, §C23 (AMD). 2003, c. 711, §D2 (AFF). 2005, c. 423, §21 (RP).

§11225-A. DURATION OF REGISTRATION

1. Ten-year registrant convicted and sentenced in State. The following provisions apply to a 10-year registrant convicted and sentenced in this State.

A. [2009, c. 570, §5 (RP).]

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

- (1) If the 10-year registrant was sentenced prior to September 18, 1999 to a wholly suspended sentence with probation or administrative release or to a punishment alternative not involving imprisonment, the 10-year period is treated as having begun at the time the person commenced an actual execution of the wholly suspended sentence or at the time of sentence imposition when no punishment alternative involving imprisonment was imposed, unless the court ordered a stay of execution, in which event the 10-year period is treated as having begun at the termination of the stay.
- (2) If the 10-year registrant was sentenced prior to September 18, 1999 to a straight term of imprisonment or to a split sentence, the 10-year period is treated as having begun at the time of discharge or conditional release.
- (3) If the 10-year registrant was committed under Title 15, section 103 prior to September 18, 1999, the 10-year period is treated as having begun at the time of discharge or conditional release under Title 15, section 104-A.
- (4) If the 10-year registrant was sentenced prior to September 18, 1999 and the person's duty to register has not yet been triggered, the 10-year period commences upon registration by the person in compliance with section 11222, subsection 1-A, paragraph A, B or C.
- (5) If the 10-year registrant was sentenced on or after September 18, 1999, the 10-year period commences from the date the person in fact initially registers once the legal duty to register arises under section 11222. [2015, c. 280, §7 (AMD).]

[2015, c. 280, §7 (AMD) .]

2. Ten-year registrant convicted and sentenced in another jurisdiction. The following provisions apply to a 10-year registrant convicted and sentenced in another jurisdiction and required to register in this State pursuant to section 11223, section 11224 or both.

A. A 10-year registrant shall register in this State for a period of 10 years if, pursuant to the other jurisdiction's sex offender registration statute, the registration period is for a period of years rather than for a lifetime. The 10-year period commences from the date the person in fact initially registers in this State once the legal duty to register arises under section 11223, section 11224 or both. However, the 10-year registrant may receive day-for-day credit for the time actually registered pursuant to the other

jurisdiction's sex offender registration statutes prior to registering in this State upon applying to the bureau for credit. The bureau may grant credit if the registrant provides sufficient documentation in accordance with any rules adopted by the bureau. [2005, c. 423, §22 (NEW).]

B. A 10-year registrant shall register for a period of 10 years if registration was not required in that other jurisdiction and the person was sentenced on or after January 1, 1982 in that jurisdiction for a crime that includes the essential elements of a sex offense. The 10-year period is calculated by applying subsection 1, paragraph B, subparagraphs (1) to (4) but interpreted and applied to take into account substantially similar sentencing alternatives imposed in the other jurisdiction. [2005, c. 423, §22 (NEW).]

[2005, c. 423, §22 (NEW) .]

3. Lifetime registrant convicted and sentenced in this State. A lifetime registrant sentenced on or after January 1, 1982 in this State shall register for the duration of that registrant's life.

[2005, c. 423, §22 (NEW) .]

4. Lifetime registrant convicted and sentenced in another jurisdiction. The following provisions apply to a lifetime registrant convicted and sentenced in another jurisdiction and required to register in this State pursuant to section 11223, section 11224 or both.

A. A person shall register in this State for the duration of that person's life if, pursuant to that other jurisdiction's sex offender registration statute, the registration period is for a lifetime. [2005, c. 423, §22 (NEW).]

B. A person shall register in this State for the duration of that person's life if no registration was required in that other jurisdiction and the person was sentenced on or after January 1, 1982 in that jurisdiction for a crime that includes the essential elements of a sexually violent offense or the person has 2 or more prior convictions in that or any other jurisdiction for an offense or for an attempted offense that includes the essential elements of a sex offense or a sexually violent offense. [2005, c. 423, §22 (NEW).]

[2005, c. 423, §22 (NEW) .]

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

A. Leaves this State, establishes a domicile or residence in another state and remains physically absent from this State; [2015, c. 280, §8 (NEW).]

B. Is incarcerated; or [2015, c. 280, §8 (NEW).]

C. Is incapacitated or hospitalized. [2015, c. 280, §8 (NEW).]

[2015, c. 280, §8 (RPR) .]

6. Relief from duty to register. The following provisions apply to an offender's, a 10-year registrant's or a lifetime registrant's duty to register.

A. An offender's or a 10-year registrant's duty to register for a period of 10 years pursuant to subsection 2 is not required if the circumstances triggering the registration requirements under section 11223, section 11224 or both no longer exist. [2009, c. 365, Pt. B, §18 (AMD); 2009, c. 365, Pt. B, §22 (AFF).]

B. An offender's or a lifetime registrant's duty to register for the duration of that person's life pursuant to subsection 4 is not required if the circumstances triggering the registration requirements under section 11223, section 11224 or both no longer exist. [2009, c. 365, Pt. B, §18 (AMD); 2009, c. 365, Pt. B, §22 (AFF).]

C. If the underlying conviction in this State or in another jurisdiction that triggers the registration requirement is reversed, vacated or set aside, or if the offender or registrant is pardoned for the crime, registration is no longer required. [2009, c. 365, Pt. B, §18 (AMD); 2009, c. 365, Pt. B, §22 (AFF).]

[2009, c. 365, Pt. B, §18 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

SECTION HISTORY

2005, c. 423, §22 (NEW). 2009, c. 365, Pt. B, §18 (AMD). 2009, c. 365, Pt. B, §22 (AFF). 2009, c. 570, §5 (AMD). 2015, c. 280, §§7, 8 (AMD).

§11226. FEE

The bureau may charge a \$25 annual fee to persons required to register under this chapter. Registrants shall pay the fee at the time of initial registration and shall pay the fee on each anniversary of their initial registration. [2003, c. 711, Pt. C, §24 (AMD); 2003, c. 711, Pt. D, §2 (AFF).]

The fee must be credited to the General Fund and the Highway Fund in an amount consistent with currently budgeted appropriations and allocations. [1999, c. 437, §2 (NEW).]

SECTION HISTORY

1999, c. 437, §2 (NEW). 2003, c. 711, §C24 (AMD). 2003, c. 711, §D2 (AFF).

§11227. VIOLATION

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.

[2005, c. 423, §23 (RPR) .]

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.

[2005, c. 423, §23 (RPR) .]

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.

[2005, c. 423, §23 (RPR) .]

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

[2005, c. 423, §23 (RPR) .]

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

[2005, c. 423, §23 (RPR) .]

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

[2009, c. 365, Pt. B, §19 (AMD); 2009, c. 365, Pt. B, §22 (AFF) .]

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

[2009, c. 365, Pt. B, §20 (NEW); 2009, c. 365, Pt. B, §22 (AFF) .]

SECTION HISTORY

1999, c. 437, §2 (NEW). 2001, c. 439, §00013 (AMD). 2001, c. 553, §9 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 452, §S1 (RPR). 2003, c. 711, §C25 (AMD). 2003, c. 711, §D2 (AFF). 2005, c. 423, §23 (RPR). 2009, c. 365, Pt. B, §§19, 20 (AMD). 2009, c. 365, Pt. B, §22 (AFF).

§11228. CERTIFICATION BY RECORD CUSTODIAN

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

[2015, c. 280, §9 (NEW) .]

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

[2015, c. 280, §9 (NEW) .]

SECTION HISTORY

2003, c. 371, §12 (NEW). 2009, c. 365, Pt. B, §21 (AMD). 2009, c. 365, Pt. B, §22 (AFF). 2015, c. 280, §9 (RPR).

Subchapter 3: NOTIFICATION

§11251. NOTIFICATION

(REPEALED)

SECTION HISTORY

1999, c. 437, §2 (NEW). 2001, c. 439, §00014 (RP).

§11252. IMMUNITY FROM LIABILITY

Neither the failure to perform the requirements of this chapter nor compliance with this chapter subjects any state, municipal or county official or employee to liability in a civil action. The immunity provided under this section applies to the release of relevant information to other officials or employees or to the general public. [1999, c. 437, §2 (NEW).]

SECTION HISTORY

1999, c. 437, §2 (NEW).

§11253. RISK ASSESSMENT

The department shall establish and apply a risk assessment instrument to each registrant under its jurisdiction for the purpose of notification to law enforcement agencies and to the public. [2003, c. 711, Pt. C, §26 (AMD); 2003, c. 711, Pt. D, §2 (AFF).]

SECTION HISTORY

2001, c. 439, §00015 (NEW). 2003, c. 711, §C26 (AMD). 2003, c. 711, §D2 (AFF).

§11254. MANDATORY NOTIFICATION OF CONDITIONAL RELEASE OR DISCHARGE OF REGISTRANTS

The department, county jails, state mental health institutes and the Department of Public Safety, State Bureau of Identification are governed by the following notice provisions when a registrant is conditionally released or discharged. [2003, c. 711, Pt. C, §27 (AMD); 2003, c. 711, Pt. D, §2 (AFF).]

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

- A. The address where the registrant will be domiciled and reside; [2003, c. 711, Pt. C, §27 (AMD); 2003, c. 711, Pt. D, §2 (AFF).]
- B. The address where the registrant will work and attend college or school, if applicable; [2003, c. 711, Pt. C, §27 (AMD); 2003, c. 711, Pt. D, §2 (AFF).]
- C. The geographic area to which a registrant's conditional release is limited, if any; and [2003, c. 711, Pt. C, §27 (AMD); 2003, c. 711, Pt. D, §2 (AFF).]
- D. The status of the registrant when released as determined by the risk assessment instrument, the registrant's risk assessment score, a copy of the risk assessment instrument and applicable contact standards for the registrant. [2003, c. 711, Pt. C, §27 (AMD); 2003, c. 711, Pt. D, §2 (AFF).]

[2003, c. 711, Pt. C, §27 (AMD); 2003, c. 711, Pt. D, §2 (AFF) .]

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

[2003, c. 711, Pt. C, §27 (AMD); 2003, c. 711, Pt. D, §2 (AFF) .]

SECTION HISTORY

2001, c. 439, §00015 (NEW). 2003, c. 371, §13 (AMD). 2003, c. 711, §C27 (AMD). 2003, c. 711, §D2 (AFF).

§11255. PUBLIC NOTIFICATION

1. Department. Upon the conditional release or discharge of a registrant from a state correctional institution, the department shall give notice of the information under section 11254, subsection 1 to members of the public the department determines appropriate to ensure public safety.

[2003, c. 711, Pt. C, §28 (AMD); 2003, c. 711, Pt. D, §2 (AFF) .]

2. Law enforcement agencies. Upon receipt of the information concerning the conditional release or discharge of a registrant pursuant to section 11254, subsection 2, a law enforcement agency shall notify members of a municipality that the law enforcement agency determines appropriate to ensure public safety.

[2003, c. 711, Pt. C, §28 (AMD); 2003, c. 711, Pt. D, §2 (AFF) .]

SECTION HISTORY

2001, c. 439, §00015 (NEW). 2003, c. 711, §C28 (AMD). 2003, c. 711, §D2 (AFF).

§11256. RISK ASSESSMENT ASSISTANCE

Upon request, the department shall provide to law enforcement agencies technical assistance concerning risk assessment for purposes of notification to the public of a registrant's conditional release or discharge.

[2003, c. 711, Pt. C, §28 (AMD); 2003, c. 711, Pt. D, §2 (AFF).]

SECTION HISTORY

2001, c. 439, §00015 (NEW). 2003, c. 711, §C28 (AMD). 2003, c. 711, §D2 (AFF).

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