

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 Adjust Certain Age Limits in the Laws Concerning Sex Offenses To Further Protect Minors

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

Sec. 1. 17-A MRS §261, as amended by PL 2009, c. 211, Pt. B, §16 and c. 365, Pt. A, §§1 and 2, is further amended to read:

§ 261. Prohibited contact with a minor; sex offender restricted zone

1. A person is guilty of prohibited contact with a minor if that person:

A. Was convicted on or after June 30, 1992 of an offense under this chapter or chapter 12 against another person who had not in fact attained ~~14~~16 years of age or was convicted on or after June 30, 1992 in another jurisdiction for conduct substantially similar to that contained in this chapter or chapter 12 against another person who had not in fact attained ~~14~~16 years of age; and

C. Intentionally or knowingly initiates direct or indirect contact with another person who has not in fact attained ~~14~~16 years of age.

Violation of this subsection is a Class E crime.

2. A person is guilty of prohibited contact with a minor in a sex offender restricted zone if that person:

A. Was convicted on or after June 30, 1992 of an offense under this chapter or chapter 12 against another person who had not in fact attained ~~14~~16 years of age or was convicted on or after June 30, 1992 in another jurisdiction for conduct substantially similar to that contained in this chapter or chapter 12 against another person who had not in fact attained ~~14~~16 years of age; and

C. Intentionally or knowingly initiates direct or indirect contact in a sex offender restricted zone with another person who has not in fact attained ~~14~~16 years of age.

Violation of this subsection is a Class D crime.

3. It is an affirmative defense to prosecution under this section that the parent, foster parent, guardian or other similar person responsible for the person who had not in fact attained ~~14~~16 years of age, knowing the conviction status described in subsections 1 and 2, gave consent that the defendant initiate, have or continue direct or indirect contact. It is also an affirmative defense to prosecution under this section that any contact is incidental to and directly related to the defendant's employment.

4. For purposes of this section, "sex offender restricted zone" means the real property comprising a public or private elementary or middle school; the real property comprising a child care center, a child care facility, a day care operated by a family child care provider, a nursery school or a small child care facility as defined under Title 22, section 8301-A; or an athletic field, park, playground, recreational facility, youth camp licensed under Title 22, section 2495 or other place where children are the primary users.

Sec. 2. 30-A MRSA §3014, sub-§2, as reallocated by RR 2009, c. 1, §21, is amended to read:

2. Residency restriction ordinance. A municipality may adopt an ordinance regarding residency restrictions for persons convicted of Class A, B or C sex offenses committed against persons who had not attained ~~14~~16 years of age at the time of the offense. Any such ordinance is limited as follows.

A. An ordinance may restrict only residence. It may not impose additional restrictions or requirements, including, but not limited to, registration and fees.

B. A municipality may prohibit residence by a sex offender up to a maximum distance of 750 feet surrounding the real property comprising a public or private elementary, middle or secondary school or up to a maximum distance of 750 feet surrounding the real property comprising a municipally owned property where children are the primary users.

C. An ordinance may not restrict the residence of a person who lived in an area restricted pursuant to paragraph B prior to the adoption or amendment of the ordinance.

D. An ordinance may not be premised on a person's obligation to register pursuant to Title 34-A, chapter 15.

SUMMARY

This bill increases the maximum age of the victim in the crime of prohibited contact with a minor and in the provision regarding municipal ordinances for sex offender restricted zones. Specifically, regarding the crime of prohibited contact with a minor, the bill prohibits a person from intentionally or knowingly initiating direct or indirect contact with another person who has not in fact attained 16 years of age if the person was convicted on or after June 30, 1992 of an offense under the Maine Revised Statutes, Title 17-A, chapter 11 or 12 against another person who had not in fact attained 16 years of age or was convicted on or after June 30, 1992 in another jurisdiction for conduct substantially similar to that contained in those chapters against another person who had not in fact attained 16 years of age. The current law prohibits intentionally initiating such contact with a person under 14 years of age.

Regarding the municipal ordinances for sex offender restricted zones, the bill provides that a municipality may adopt an ordinance regarding residency restrictions for persons convicted of Class A, B or C sex offenses committed against persons who had not attained 16 years of age at the time of the offense if the municipality meets all other conditions of Title 30-A, section 3014. The current law allows the imposition of residency restrictions for persons who committed sex offenses against a person under 14 years of age.