
Sex Crime REGISTRATION CHART

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10 Commandments of Sex Crime Defense

- I. **THOU SHALT** investigate thy case, including attempting to interviewing the complaining witness.
- II. **THOU SHALT** be willing to try the case-even if it's an absolute loser.
- III. **THOU SHALT** request Clifford Materials-but things might be changing.
- IV. **THOU SHALT** understand the complaining witness. The witness's age level of maturity and "issues" can be important leverage during the plea bargaining process as well as how the person appears to the jury.
- V. **THOU SHALT NOT** go after the witness in a personal or antagonistic way. Often sympathy and pointing to a 3d party (another perpetrator or vindictive relative) can be more effective.
- VI. **THOU SHALT** ask questions to which you already know the answers.
- VII. **THOU SHALT** not be afraid to ask questions to which you don't know the answers. Often if a complaining witness or witnesses won't speak with the defense and you are left with an unfavorable police report you need to create a new reality. Remember, kids do say the darndest things.
- VIII. **THOU SHALT** consider and understand the scientific evidence-but don't get wrapped up in it. Sex is a human endeavor and the best defenses are built around human frailties.
- IX. **THOU SHALT** understand the standard rules of evidence but also the special doctrines peculiar to sex crimes (i.e. the "Tender Years" doctrine" or the "First Report" rule.
- X. **BE WILLING.** This is a repeat but important. You must be willing to try these cases. If you constantly plead them out or consider persons accused of sex crimes to be "icky" you are in the wrong business.

STATUTE

Title 34-A: CORRECTIONS

Chapter 17: SEX OFFENDER REGISTRATION AND NOTIFICATION ACT OF 2013

Maine Revised Statutes

Title 34-A: CORRECTIONS

Chapter 17: SEX OFFENDER REGISTRATION AND NOTIFICATION ACT OF 2013

Subchapter 1: GENERAL PROVISIONS

§11271. SHORT TITLE

This chapter may be known and cited as "the Sex Offender Registration and Notification Act of 2013." 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. [2011, c. 663, §3 (NEW).]

SECTION HISTORY

2011, c. 663, §3 (NEW).

§11272. APPLICATION

This chapter applies to: [2011, c. 663, §3 (NEW).]

1. Maine. A person who commits criminal conduct and is sentenced in this State on or after January 1, 2013 as an adult or as a juvenile sentenced as an adult for that criminal conduct and that criminal conduct is a Tier I offense, Tier II offense or Tier III offense; and

[2011, c. 663, §3 (NEW) .]

2. Other jurisdictions. A person who commits criminal conduct and is sentenced in another jurisdiction for that criminal conduct on or after January 1, 2013 as an adult or as a juvenile sentenced as an adult:

A. For 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; [2011, c. 663, §3 (NEW).]

B. For an offense that contains the essential elements of a Tier I offense, Tier II offense or Tier III offense; or [2011, c. 663, §3 (NEW).]

C. For a military, tribal or federal offense requiring registration pursuant to:

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

(2) The federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151. [2011, c. 663, §3 (NEW).]

[2011, c. 663, §3 (NEW) .]

SECTION HISTORY

2011, c. 663, §3 (NEW).

§11273. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2011, c. 663, §3 (NEW).]

1. Another state. "Another state" means each of the several states except Maine, and includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa and the Northern Mariana Islands.

[2011, c. 663, §3 (NEW) .]

2. Bureau. "Bureau" means the Department of Public Safety, Bureau of State Police, State Bureau of Identification.

[2011, c. 663, §3 (NEW) .]

3. 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, §33 (AMD) .]

4. 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.

[2011, c. 663, §3 (NEW) .]

5. 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.

[2011, c. 663, §3 (NEW) .]

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

[2011, c. 663, §3 (NEW) .]

7. Jurisdiction. "Jurisdiction" means the Federal Government, including the military, this State, another state or a tribe.

[2011, c. 663, §3 (NEW) .]

8. 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.

[2011, c. 663, §3 (NEW) .]

9. Motor vehicle. "Motor vehicle" means a vehicle that is required to be registered pursuant to Title 29-A, section 351.

[2011, c. 663, §3 (NEW) .]

10. Offender. "Offender" means a person to whom this chapter applies pursuant to section 11272.

[2011, c. 663, §3 (NEW) .]

11. Registrant. "Registrant" means a Tier I registrant, Tier II registrant or Tier III registrant.

[2011, c. 663, §3 (NEW) .]

12. 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.

[2011, c. 663, §3 (NEW) .]

13. 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 insanity or similar verdict in another jurisdiction.

[2011, c. 663, §3 (NEW) .]

14. Tier I offense. "Tier I offense" means a conviction for a Class E or Class D crime under the following or for an attempt, solicitation or conspiracy to commit a Class E, Class D or Class C crime under the following if the victim was less than 18 years of age at the time of the criminal conduct unless otherwise specified:

A. Title 17-A, chapter 11 including the following:

(1) Title 17-A, section 255-A, subsection 1, paragraph C, regardless of the age of the victim;

(2) Title 17-A, section 255-A, subsection 1, paragraph F-2, regardless of the age of the victim;

(3) Title 17-A, section 255-A, subsection 1, paragraph G, regardless of the age of the victim;

(4) Title 17-A, section 255-A, subsection 1, paragraph Q, regardless of the age of the victim;

(5) Title 17-A, section 255-A, subsection 1, paragraph W, regardless of the age of the victim; and

(6) Title 17-A, section 255-A, subsection 1, paragraph X, regardless of the age of the victim; [2011, c. 663, §3 (NEW).]

B. Title 17-A, chapter 12; [2011, c. 663, §3 (NEW).]

C. Title 17-A, section 511, subsection 1, paragraph D, regardless of the age of the victim; [2011, c. 663, §3 (NEW).]

D. Title 17-A, section 556, subsection 1, paragraph A, regardless of the age of the victim; [2011, c. 663, §3 (NEW).]

E. Title 17-A, section 855, subsection 1, paragraph A; and [2011, c. 663, §3 (NEW).]

F. A military, tribal or federal offense requiring registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151. [2011, c. 663, §3 (NEW).]

If, pursuant to another jurisdiction's sex offender registration statute, the registration period is a period of up to 10 years or if the sex offender was not required to register in that other jurisdiction but the crime includes the essential elements of an offense included in this subsection, the crime is a Tier I offense.

"Tier I offense" does not include unlawful sexual contact under Title 17-A, section 255-A, subsection 1, paragraph U or unlawful sexual touching under Title 17-A, section 260.

[2011, c. 663, §3 (NEW) .]

15. Tier II offense. "Tier II offense" means a conviction for a Class C crime under the following, or for an attempt, solicitation or conspiracy to commit a Class B crime under the following, if the victim was less than 18 years of age at the time of the criminal conduct unless otherwise specified:

A. Title 17-A, chapter 11 including the following:

(1) Title 17-A, section 253, subsection 2, paragraph J, if the victim had attained 18 years of age at the time of the offense;

(2) Title 17-A, section 253, subsection 2, paragraph K, regardless of the age of the victim;

(3) Title 17-A, section 253, subsection 2, paragraph L, regardless of the age of the victim;

(4) Title 17-A, section 255-A, subsection 1, paragraph J, regardless of the age of the victim;

(5) Title 17-A, section 255-A, subsection 1, paragraph R-1, regardless of the age of the victim;

(6) Title 17-A, section 255-A, subsection 1, paragraph R-2, regardless of the age of the victim; and

(7) Title 17-A, section 258, subsection 1-A, if the victim had not attained 12 years of age; [2011, c. 663, §3 (NEW).]

B. Title 17-A, chapter 12; [2011, c. 663, §3 (NEW).]

C. Title 17-A, section 855, subsection 1, paragraph B; and [2011, c. 663, §3 (NEW).]

D. A military, tribal or federal offense requiring registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151. [2011, c. 663, §3 (NEW).]

If, pursuant to another jurisdiction's sex offender registration statute, the registration period is a period of more than 10 years but less than 26 years or if the sex offender was not required to register in that other jurisdiction but the crime includes the essential elements of an offense included in this subsection, the crime is a Tier II offense.

"Tier II offense" does not include unlawful sexual contact under Title 17-A, section 255-A, subsection 1, paragraph V or unlawful sexual touching under Title 17-A, section 260.

[2011, c. 663, §3 (NEW) .]

16. Tier III offense. "Tier III offense" means a conviction for a Class B or Class A crime under the following or for an attempt, solicitation or conspiracy to commit a Class A crime under the following:

A. Title 17-A, chapter 11; [2011, c. 663, §3 (NEW).]

B. Title 17-A, chapter 12; [2011, c. 663, §3 (NEW).]

C. Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3); [2011, c. 663, §3 (NEW).]

D. Title 17-A, section 852, subsection 1; and [2011, c. 663, §3 (NEW).]

E. A military, tribal or federal offense requiring registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151. [2011, c. 663, §3 (NEW).]

If, pursuant to another jurisdiction's sex offender registration statute, the registration period is a period of more than 25 years or if the sex offender was not required to register in that other jurisdiction but the crime includes the essential elements of an offense included in this subsection, the crime is a Tier III offense.

[2011, c. 663, §3 (NEW) .]

17. Tier I registrant. "Tier I registrant" means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult for a Tier I offense.

[2011, c. 663, §3 (NEW) .]

18. Tier II registrant. "Tier II registrant" means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult for a Tier II offense.

[2011, c. 663, §3 (NEW) .]

19. Tier III registrant. "Tier III registrant" means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult for a Tier III offense or as provided for under section 11285, subsection 7.

[2011, c. 663, §3 (NEW) .]

20. Tribe. "Tribe" means the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians.

[2011, c. 663, §3 (NEW) .]

SECTION HISTORY

2011, c. 663, §3 (NEW). 2013, c. 133, §33 (AMD).

§11274. RULEMAKING

The bureau may adopt rules necessary to implement this chapter. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [2011, c. 663, §3 (NEW).]

SECTION HISTORY

2011, c. 663, §3 (NEW).

Subchapter 2: SEX OFFENDER REGISTRATION

§11281. 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, referred to in this section as "the registry." 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, land line and cellular telephone numbers, Internet identifiers, mailing address and physical location of expected domicile and residence. For purposes of this paragraph, "Internet identifiers" means e-mail addresses and other designations used for self-identification or routing in Internet communication or posting; [2011, c. 663, §3 (NEW).]

B. Place of employment and college or school being attended, if applicable, and the corresponding mailing address and physical location; [2011, c. 663, §3 (NEW).]

C. Offense history; [2011, c. 663, §3 (NEW).]

- D. A current photograph and set of fingerprints; [2011, c. 663, §3 (NEW).]
 - E. A description of the offense for which the registrant was convicted, the date of conviction and the sentence imposed; [2011, c. 663, §3 (NEW).]
 - F. Whether the registrant is a Tier I registrant, Tier II registrant or Tier III registrant; [2011, c. 663, §3 (NEW).]
 - G. A copy of any driver's license information and copy of the driver's license; [2011, c. 663, §3 (NEW).]
 - H. A copy of any professional license; [2011, c. 663, §3 (NEW).]
 - I. Passport and immigration documents and social security number; [2011, c. 663, §3 (NEW).]
 - J. Temporary lodging and dates of travel; [2011, c. 663, §3 (NEW).]
 - K. Information about motor vehicles owned, leased or used and registration and location of those motor vehicles. For purposes of this paragraph, "lease" means a transfer of the right to possession and use of a motor vehicle for a term of 30 days or more in return for consideration; and [2011, c. 663, §3 (NEW).]
 - L. Any other information the bureau determines important. [2011, c. 663, §3 (NEW).]
- [2011, c. 663, §3 (NEW) .]

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.

[2011, c. 663, §3 (NEW) .]

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.

[2011, c. 663, §3 (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.

[2011, c. 663, §3 (NEW) .]

5. 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 mailing address and physical location of the registrant's domicile, residence, place of employment and college or school being attended, if applicable.

[2011, c. 663, §3 (NEW) .]

6. 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, §30 (AMD) .]

7. Public access to registrant 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 who is a Tier I registrant, Tier II registrant or Tier III registrant:

- (1) The registrant's name, aliases and date of birth and a current 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 mailing address and physical location;
- (4) The statutory citation and name of the offense for which the registrant was convicted;
- (5) Whether the registrant is a Tier I registrant, a Tier II registrant or a Tier III registrant;
- (6) Verification requirements and date of last verification; and
- (7) The registrant's address and its location on a map. [2011, c. 663, §3 (NEW).]

B. The bureau shall establish an e-mail notification system to alert a member of the public who has subscribed annually to the e-mail notification system when a registrant moves into the subscriber's geographic area. [2011, c. 663, §3 (NEW).]

C. 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 mailing address and physical 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. [2011, c. 663, §3 (NEW).]

[2011, c. 663, §3 (NEW) .]

8. Registrant access to information. The bureau shall provide all information described in subsection 1 to a registrant who requests that person's own information.

[2011, c. 663, §3 (NEW) .]

9. 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 information provided to the public pursuant to subsection 7.

[2011, c. 663, §3 (NEW) .]

10. Maintenance by bureau. Only the bureau is authorized to maintain a sex offender registry on the Internet for purposes of public access.

[2011, c. 663, §3 (NEW) .]

11. Law enforcement agency website. Notwithstanding subsection 10, 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 7, paragraph A and that the law enforcement agency posting the website is solely responsible for the website's content; [2011, c. 663, §3 (NEW).]

B. The website provides a link to the bureau's Internet sex offender registry under subsection 7, paragraph A; [2011, c. 663, §3 (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 [2011, c. 663, §3 (NEW).]

D. The information on the website is updated by the law enforcement agency as frequently as available resources permit, but no less often 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. [2011, c. 663, §3 (NEW).]

[2011, c. 663, §3 (NEW) .]

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

A. Except for information provided pursuant to subsection 2 and made available to the public through the bureau's website pursuant to subsection 7, paragraph 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; and [2011, c. 663, §3 (NEW).]

B. Except for information made available to the public through a website maintained by a law enforcement agency pursuant to subsection 11, 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 that law enforcement agency. [2011, c. 663, §3 (NEW).]

[2011, c. 663, §3 (NEW) .]

SECTION HISTORY

2011, c. 663, §3 (NEW). 2013, c. 267, Pt. B, §30 (AMD).

§11282. DUTY OF OFFENDER TO REGISTER

1. Notification by court, department, bureau or 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. The 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 the 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.

[2011, c. 663, §3 (NEW) .]

2. 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. [2011, c. 663, §3 (NEW).]

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. [2011, c. 663, §3 (NEW).]

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. [2011, c. 663, §3 (NEW).]

D. If the events stated in paragraphs A to C have passed, an offender must register within 3 days after having received notice of that duty from a court, the department, the bureau or a law enforcement agency. [2011, c. 663, §3 (NEW).]

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 found not guilty by reason of insanity or 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. [2011, c. 663, §3 (NEW).]

[2011, c. 663, §3 (NEW) .]

3. 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.

[2011, c. 663, §3 (NEW) .]

4. 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; [2011, c. 663, §3 (NEW).]

B. Inform the offender of the requirement to notify the law enforcement agency having jurisdiction pursuant to subsection 3; [2011, c. 663, §3 (NEW).]

C. 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 3 days and shall notify the law enforcement agency having jurisdiction within 24 hours; [2011, c. 663, §3 (NEW).]

D. Inform the offender that if that offender changes domicile to another jurisdiction, the offender shall register the new address with the bureau and if the new jurisdiction has a registration requirement, the offender shall register with a designated law enforcement agency in the new state not later than 3 days after establishing domicile in the new state; [2011, c. 663, §3 (NEW).]

E. 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 3 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; [2011, c. 663, §3 (NEW).]

F. Obtain fingerprints and a current photograph of the offender. 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 [2011, c. 663, §3 (NEW).]

G. 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. [2011, c. 663, §3 (NEW).]

[2011, c. 663, §3 (NEW) .]

5. 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 4 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.

[2011, c. 663, §3 (NEW) .]

6. Verification. During the period a registrant is required to register, the bureau shall require the registrant to verify all registration information. The following provisions govern the verification of registration information.

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. [2011, c. 663, §3 (NEW).]

B. The registrant shall bring 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. [2011, c. 663, §3 (NEW).]

C. 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. [2011, c. 663, §3 (NEW).]

[2011, c. 663, §3 (NEW) .]

7. Frequency of verification. The frequency of in-person verification of registration information is dependent upon the registrant's tier classification as follows.

A. A Tier III registrant shall register for the duration of the registrant's life and shall verify registration information every 90 days after the registrant's initial registration date. [2011, c. 663, §3 (NEW).]

B. A Tier II registrant shall register for 25 years and shall verify registration information every 180 days after the registrant's initial registration date. [2011, c. 663, §3 (NEW).]

C. A Tier I registrant shall register for 10 years and shall verify registration information annually after the registrant's initial registration date. [2011, c. 663, §3 (NEW).]

[2011, c. 663, §3 (NEW) .]

8. 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 3 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. [2011, c. 663, §3 (NEW).]

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. [2011, c. 663, §3 (NEW).]

[2011, c. 663, §3 (NEW) .]

SECTION HISTORY

2011, c. 663, §3 (NEW).

§11283. DUTY OF PERSON ESTABLISHING DOMICILE OR RESIDENCE IN THIS STATE TO REGISTER

A person who has been sentenced for a military, tribal or federal offense requiring registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151 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 for an offense that includes the essential elements of a Tier I, Tier II or Tier III offense shall register as a Tier I registrant, a Tier II registrant or a Tier III registrant, whichever is applicable, within 3 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 current 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. [2011, c. 663, §3 (NEW).]

SECTION HISTORY

2011, c. 663, §3 (NEW).

§11284. DUTY OF PERSON EMPLOYED OR ATTENDING COLLEGE OR SCHOOL IN THIS STATE TO REGISTER

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. [2011, c. 663, §3 (NEW).]

1. Time. A person who has been sentenced for a military, tribal or federal offense requiring registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151 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 for an offense that includes the essential elements of a Tier I, Tier II or Tier III offense shall register as a Tier I registrant, a Tier II registrant or a Tier III registrant, whichever is applicable, within 3 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 [2011, c. 663, §3 (NEW).]

B. Within 24 hours of beginning college or school on a full-time or part-time basis in this State. [2011, c. 663, §3 (NEW).]

[2011, c. 663, §3 (NEW) .]

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 current 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.

[2011, c. 663, §3 (NEW) .]

SECTION HISTORY

2011, c. 663, §3 (NEW).

§11285. DURATION OF REGISTRATION

The following provisions govern the duration of registration. [2011, c. 663, §3 (NEW).]

1. Offender convicted and sentenced in State for Tier I offense. An offender convicted and sentenced in this State for a Tier I offense shall register for a period of 10 years. The 10-year period commences from the date the person in fact initially registers once the legal duty arises under section 11282, subsection 2.

[2011, c. 663, §3 (NEW) .]

2. Offender convicted and sentenced in another jurisdiction for Tier I offense. An offender convicted and sentenced in another jurisdiction and required to register in this State pursuant to section 11283 or 11284 shall register for a period of 10 years or as provided in subsection 7. The following provisions apply.

A. A Tier I 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 no more than 10 years. 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 11283 or 11284. However, the Tier I registrant may receive day-for-day credit for the time actually registered pursuant to the other jurisdiction's sex offender registration statute 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. [2011, c. 663, §3 (NEW).]

B. A Tier I registrant shall register for a period of 10 years if registration was not required in that other jurisdiction and the person has been sentenced in that jurisdiction for a crime that includes the essential elements of a Tier I offense. 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 11283 or 11284. However, the Tier I registrant may receive day-for-day credit from the time of sentencing in the other jurisdiction to when the offender in fact initially registers in this State once the legal duty to register arises under section 11283 or 11284 and 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. [2011, c. 663, §3 (NEW).]

[2011, c. 663, §3 (NEW) .]

3. Offender convicted and sentenced in State for Tier II offense. An offender convicted and sentenced in this State for a Tier II offense shall register for a period of 25 years. The 25-year period commences from the date the person in fact initially registers once the legal duty arises under section 11282, subsection 2.

[2011, c. 663, §3 (NEW) .]

4. Offender convicted and sentenced in another jurisdiction for Tier II offense. An offender convicted and sentenced in another jurisdiction and required to register in this State pursuant to section 11283 or 11284 shall register for a period of 25 years. The following provisions apply.

A. A Tier II registrant shall register in this State for a period of 25 years if, pursuant to the other jurisdiction's sex offender registration statute, the registration period is for a period of more than 10 years and no more than 25 years. The 25-year period commences from the date the person in fact initially registers in this State once the legal duty to register arises under section 11283 or 11284. However, the Tier II registrant may receive day-for-day credit for the time actually registered pursuant to the other jurisdiction's sex offender registration statute 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 rules adopted by the bureau. [2011, c. 663, §3 (NEW).]

B. A Tier II registrant shall register for a period of 25 years if registration was not required in that other jurisdiction and the person has been sentenced in that jurisdiction for a crime that includes the essential elements of a Tier II offense. The 25-year period commences from the date the person in fact initially registers in this State once the legal duty to register arises under section 11283 or 11284. However, the Tier II registrant may receive day-for-day credit from the time of sentencing in

the other jurisdiction to when the offender in fact initially registers in this State once the legal duty to register arises under section 11283 or 11284 and 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. [2011, c. 663, §3 (NEW).]

[2011, c. 663, §3 (NEW) .]

5. Offender convicted and sentenced in State for Tier III offense. An offender convicted and sentenced in this State for a Tier III offense shall register for the duration of the offender's life.

[2011, c. 663, §3 (NEW) .]

6. Offender convicted and sentenced in another jurisdiction for Tier III offense. An offender convicted and sentenced in another jurisdiction and required to register in this State pursuant to section 11283 or 11284 shall register for the duration of the registrant's life.

A. A Tier III registrant shall register in this State for the duration of the registrant's life if, pursuant to the other jurisdiction's sex offender registration statute, the registration period is for the duration of the offender's life. [2011, c. 663, §3 (NEW).]

B. A Tier III registrant shall register in this State for the duration of the registrant's life if registration was not required in that other jurisdiction and the person was convicted and sentenced in that jurisdiction for a crime that includes the essential elements of a Tier III offense. [2011, c. 663, §3 (NEW).]

[2011, c. 663, §3 (NEW) .]

7. Additional offense. Notwithstanding section 11273, subsections 14 and 15, a person who has been convicted and sentenced at any time for 2 or more offenses each of which is a Tier I offense or Tier II offense or includes the essential elements of a Tier I offense or Tier II offense is required to register as a Tier III registrant. For purposes of this subsection, convictions that occur on the same day count as separate offenses.

[2011, c. 663, §3 (NEW) .]

8. Periods when domiciled or residing outside State or incarcerated. Notwithstanding any other provision of this section, during any period in which a registrant or offender leaves this State, establishes a domicile or residence in another state and remains physically absent from this State or is incarcerated, the bureau, pursuant to any rules the bureau may adopt, may

suspend the requirement that the registrant or offender verify registration information.

[2011, c. 663, §3 (NEW) .]

9. Relief from duty to register. The following provisions apply to relief from the duty to register.

A. An offender's or a registrant's duty to register is not required if the circumstances triggering the registration requirements under section 11283 or 11284 no longer exist. [2011, c. 663, §3 (NEW).]

B. 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. [2011, c. 663, §3 (NEW).]

[2011, c. 663, §3 (NEW) .]

SECTION HISTORY

2011, c. 663, §3 (NEW).

§11286. DUTY OF PERSON TRAVELING BEYOND THE JURISDICTION OF THE UNITED STATES

An offender shall notify the bureau at least 21 days prior to travel beyond the jurisdiction of the United States. The offender shall provide the bureau with information about the date of departure from and return to the United States and the destination beyond the jurisdiction of the United States. [2011, c. 663, §3 (NEW).]

SECTION HISTORY

2011, c. 663, §3 (NEW).

§11287. 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. [2011, c. 663, §3 (NEW).]

The fee must be credited to the General Fund and the Highway Fund in an amount consistent with budgeted appropriations and allocations in the fiscal year of the credit. [2011, c. 663, §3 (NEW).]

SECTION HISTORY

2011, c. 663, §3 (NEW).

§11288. VIOLATION

1. Failure to comply; first offense. An offender 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.

[2011, c. 663, §3 (NEW) .]

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.

[2011, c. 663, §3 (NEW) .]

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.

[2011, c. 663, §3 (NEW) .]

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

[2011, c. 663, §3 (NEW) .]

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

[2011, c. 663, §3 (NEW) .]

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.

[2011, c. 663, §3 (NEW) .]

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 sentenced for 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.

[2011, c. 663, §3 (NEW) .]

SECTION HISTORY

2011, c. 663, §3 (NEW).

§11289. CERTIFICATION BY RECORD CUSTODIAN

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. [2011, c. 663, §3 (NEW).]

SECTION HISTORY

2011, c. 663, §3 (NEW).

Subchapter 3: NOTIFICATION

§11301. 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. [2011, c. 663, §3 (NEW).]

SECTION HISTORY

2011, c. 663, §3 (NEW).

§11302. COMMUNITY EDUCATION

The department shall provide law enforcement agencies technical assistance concerning community education curricula for purposes of notification to the public of a registrant's conditional release or discharge. [2011, c. 663, §3 (NEW).]

SECTION HISTORY

2011, c. 663, §3 (NEW).

§11303. MANDATORY NOTIFICATION OF CONDITIONAL RELEASE OR DISCHARGE OF REGISTRANTS

The department, county jails, state mental health institutes and the bureau are governed by the following notice provisions when a registrant is conditionally released or discharged. [2011, c. 663, §3 (NEW).]

1. Duties. The department, a county jail or a state mental health institute shall give the bureau notice of the following:

A. The address where the registrant will be domiciled and reside; [2011, c. 663, §3 (NEW).]

B. The address where the registrant will work and attend college or school, if applicable; [2011, c. 663, §3 (NEW).]

C. The mailing address of the registrant; and [2011, c. 663, §3 (NEW).]

D. The geographic area to which a registrant's conditional release is limited, if any. [2011, c. 663, §3 (NEW).]

[2011, c. 663, §3 (NEW) .]

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

[2011, c. 663, §3 (NEW) .]

SECTION HISTORY

2011, c. 663, §3 (NEW).

§11304. 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 11303, subsection 1 to members of the public the department determines appropriate to ensure public safety.

[2011, c. 663, §3 (NEW) .]

2. Law enforcement agencies. Upon receipt of the information concerning the conditional release or discharge of a registrant pursuant to section 11303, subsection 2, a law enforcement agency shall notify members of the public that the law enforcement agency determines appropriate to ensure public safety.

[2011, c. 663, §3 (NEW) .]

SECTION HISTORY

2011, c. 663, §3 (NEW).

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CHART

The following chart is not intended to be relied upon as a definitive statement of the law but is intended for quick reference only. Be sure to confirm by reading the statute.

Send any errors to my attention at ssmith@lipmankatz.com

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
17 MRSA sec. 2922 Sexual Exploitation of a Minor	REPEALED	10 year	If victim under 18 at time of offense	Repealed 2004	
17 MRSA 2923 Dissemination of Sexually Explicit Materials	REPEALED	10 Year		Repealed 2004	
17 MRSA 2924 Possession of Sexually Explicit Materials	REPEALED	10 year	If victim under 18 at time of offense	Repealed 2004	
Gross Sexual Misconduct 17-A M.R.S.A 253	REPEALED	Lifetime		NA, repealed 1990	
Gross Sexual Assault (A) 17-A M.R.S.A. § 253 (1) (A)	A person is guilty of gross sexual assault if that person engages in a sexual act with another person and the other person submits as a result of compulsion	Lifetime		Tier III	See Sent. Note 1
Gross Sexual Assault (A) 17-A M.R.S.A. § 253 (1) (B)	A person is guilty of gross sexual assault if that person engages in a sexual act with another person and the other person, not the actor's spouse, has not in fact attained the age of 14 years.	Lifetime		Tier III	See Sent. Note 1
Gross Sexual Assault (A) 17-A M.R.S.A. § 253 (1) (C)	A person is guilty of gross sexual assault if that person engages in a sexual act with another person and the other person, not the actor's spouse, has not in fact attained the age of 12 years.	Lifetime		Tier III	See Sent. Note 1

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Gross Sexual Assault (B) 17-A M.R.S.A. § 253 (2) (A)	A person is guilty of gross sexual assault if that person engages in a sexual act with another person and the actor has substantially impaired the other person's power to appraise or control the other person's sexual acts by furnishing, administering or employing drugs, intoxicants or other similar means.	Lifetime		Tier III	See Def. Note 1, 2; See Sent. Note 1
Gross Sexual Assault (B) 17-A M.R.S.A. § 253 (2) (B)	A person is guilty of gross sexual assault if that person engages in a sexual act with another person and the actor compels or induces the other person to engage in the sexual act by any threat.	Lifetime		Tier III	See Def. Note 1, 2; See Sent. Note 1
Gross Sexual Assault (B) 17-A M.R.S.A. § 253 (2) (C)	A person is guilty of gross sexual assault if that person engages in a sexual act with another person and the other person suffers from mental disability that is reasonably apparent or known to the actor, and which in fact renders the other person substantially incapable of appraising the nature of the contact involved or of understanding that the person has the right to deny or withdraw consent.	Lifetime		Tier III	See Def. Note 1, 2; See Sent. Note 1
Gross Sexual Assault (B) 17-A M.R.S.A. § 253 (2) (D)	A person is guilty of gross sexual assault if that person engages in a sexual act with another person and the other person is unconscious or otherwise physically incapable of resisting and has not consented to the sexual act.	Lifetime		Tier III	See Def. Note 1, 2; See Sent. Note 1

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Gross Sexual Assault (B) 17-A M.R.S.A. § 253 (2) (E)	A person is guilty of gross sexual assault if that person engages in a sexual act with another person and the other person, not the actor's spouse, is under official supervision as a probationer, a parolee, a sex offender on supervised release, a prisoner on supervised community confinement status or a juvenile on community reintegration status or is detained in a hospital, prison or other institution, and the actor has supervisory or disciplinary authority over the other person.	10 Year	Victim under 18 at Date of Offense	Tier III	
Gross Sexual Assault (C) 17-A M.R.S.A. § 253 (2) (F)	A person is guilty of gross sexual assault if that person engages in a sexual act with another person and the other person, not the actor's spouse, has not attained the age of 18 years and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student.	10 Year		Tier II	Victim under 18 at Date of Offense

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Gross Sexual Assault (C) 17-A M.R.S.A. § 253 (2) (G)	A person is guilty of gross sexual assault if that person engages in a sexual act with another person and the other person, not the actor's spouse, has not attained the age of 18 years and is a resident in or attending a children's home, child care facility, facility operated by a family child care provider, children's residential care facility, drug treatment center, youth camp licensed under Title 22, section 2495 or similar school, facility or institution regularly providing care or services for children, and the actor is a teacher, employee or other person having instructional, supervisory or disciplinary authority over the other person.	10 Year		Tier II	
Gross Sexual Assault (B) 17-A M.R.S.A. § 253 (2) (H)	The other person has not in fact attained the age of 18 years and the actor is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term care and welfare of that other person.	10 Year	Victim under 18 at Date of Offense	Tier III	
Gross Sexual Assault (C) 17-A M.R.S.A. § 253 (2) (I)	A person is guilty of gross sexual assault if that person engages in a sexual act with another person and the actor is a psychiatrist, a psychologist or licensed as a social worker or purports to be a psychiatrist, a psychologist or licensed as a social worker to the other person and the other person, not the actor's spouse, is a current patient or client of the actor.	10 Year	Victim under 18 at Date of Offense	Tier II	Victim under 18 at Date of Offense

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Gross Sexual Assault (C) 17-A M.R.S.A. § 253 (2) (J)	<p>A person is guilty of gross sexual assault if that person engages in a sexual act with another person and the actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes the other person as a person with an intellectual disability or autism. It is an affirmative defense to prosecution under this paragraph that the actor receives services for an intellectual disability or autism or is a person with an intellectual disability.</p>	10 Year	Prior to Date of Offense of 10/1/11, Victim under 18	Tier II	Victim must be 18 at Date of Offense
Gross Sexual Assault (C) 17-A M.R.S.A. § 253 (2) (K)	<p>A person is guilty of gross sexual assault if that person engages in a sexual act with another person and the actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and suffers from a mental disability that is reasonably apparent or known to the actor.</p>	10 Year	If Date of Offense on or after 10/1/11	Tier II	

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Gross Sexual Assault (C) 17-A M.R.S.A. § 253 (2) (L)	A person is guilty of gross sexual assault if that person engages in a sexual act with another person and the actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. For the purpose of this paragraph, "domestic partners" mean 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsibility indefinitely for each other's welfare.	10 Year	If Date of Offense on or after 10/1/11	Tier II	
Sexual Abuse of Minors (D) 17-A M.R.S.A. § 254 (1) (A)	A person is guilty of sexual abuse of a minor if the person engages in a sexual act with another person, not the actor's spouse, who is either 14 or 15 years of age and the actor is at least 5 years older than the other person.	10 Year		Tier I	Defense Note 6
Sexual Abuse of Minors (C) 17-A M.R.S.A. § 254 (1) (A-1)	A person is guilty of sexual abuse of a minor if the person violates paragraph A and the actor knows that the other person is related to the actor within the 2nd degree of consanguinity.	10 Year		Tier II	Defense Note 6
Sexual Abuse of Minors (C) 17-A M.R.S.A. § 254 (1) (A-2)	A person is guilty of sexual abuse of a minor if the person violates paragraph A and the actor is at least 10 years older than the other person.	10 Year		Tier II	Defense Note 6

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Sexual Abuse of Minors (E) 17-A M.R.S.A. § 254 (1) (C)	A person is guilty of sexual abuse of a minor if the person is at least 21 years of age and engages in a sexual act with another person, not the actor's spouse, who is either 16 or 17 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled.	10 Year		Tier I	
Sexual Abuse of Minors (D) 17-A M.R.S.A. § 254 (1) (D)	A person is guilty of sexual abuse of a minor if the person violates paragraph C and the actor knows that the student is related to the actor within the 2nd degree of consanguinity.	10 Year		Tier I	
Sexual Abuse of Minors (D) 17-A M.R.S.A. § 254 (1) (E)	A person is guilty of sexual abuse of a minor if the person violates paragraph C and the actor is at least 10 years older than the student.	10 Year		Tier I	
Unlawful Sexual Contact 17-A M.R.S.A. § 255(1)(A)	REPEALED	10 Year	Victim under 18 at Date of Offense	NA See sec. 255-A	
Unlawful Sexual Contact 17-A M.R.S.A. § 255(1)(B)	REPEALED	10 Year	Victim under 18 at Date of Offense & Class D	NA See sec. 255-A	
Unlawful Sexual Contact 17-A M.R.S.A. § 255(1)(C)	REPEALED	Life	If Class C	NA See sec. 255-A	

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Unlawful Sexual Contact 17-A M.R.S.A. § 255(1)(D)	REPEALED	10 Year	If victim under 18 at time of offense and Class D	NA See sec. 255-A	
		Life	if Class C		
Unlawful Sexual Contact 17-A M.R.S.A. § 255(1)(E)	REPEALED	10 Year	If victim under 18 at time of offense	NA See sec. 255-A	
Unlawful Sexual Contact 17-A M.R.S.A. § 255(1)(F)	REPEALED	10 Year	If victim under 18 at time of offense	NA See sec. 255-A	
Unlawful Sexual Contact 17-A M.R.S.A. § 255(1)(G)	REPEALED	10 Year	If victim under 18 at time of offense	NA See sec. 255-A	
Unlawful Sexual Contact 17-A M.R.S.A. § 255(1)(H)	REPEALED	LIFE		NA See sec. 255-A	
Unlawful Sexual Contact 17-A M.R.S.A. § 255(1)(I)	REPEALED	10 Year	If victim under 18 at time of offense	NA See sec. 255-A	
Unlawful Sexual Contact 17-A M.R.S.A. § 255(1)(J)	REPEALED	10 Year		NA See sec. 255-A	
Unlawful Sexual Contact (D) 17-A M.R.S.A. § 255-A (1) (A)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person has not expressly or impliedly acquiesced in the sexual contact.	10 Year	Victim under 18 at Date of Offense	Tier I	Victim under 18 at Date of Offense

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Unlawful Sexual Contact (C) 17-A M.R.S.A. § 255-A (1) (B)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the contact includes penetration	10 Year	Victim under 18	Tier I	Victim under 18
Unlawful Sexual Contact (D) 17-A M.R.S.A. § 255-A (1) (C)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person is unconscious or otherwise physically incapable of resisting and has not consented to the sexual contact.	10 year	Prior to Date of Offense of 10/1/11, Victim under 18	Tier I	
Unlawful Sexual Contact (C) 17-A M.R.S.A. § 255-A (1) (D)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person is unconscious or physically incapable of resisting and has not consented and there is penetration.	Lifetime		Tier II	Victim under 18
Unlawful Sexual Contact (C) 17-A M.R.S.A. § 255-A (1) (E)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person, not the actor's spouse, is in fact less than 14 years of age and the actor is at least 3 years older.	Lifetime		Tier II	
Unlawful Sexual Contact (B) 17-A M.R.S.A. § 255-A (1) (E-1)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person, not the actor's spouse, is in fact less than 12 years of age and the actor is at least 3 years older and the sexual contact includes penetration.	Lifetime		Tier III	

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Unlawful Sexual Contact (B) 17-A M.R.S.A. § 255-A (1) (F)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person, not the actor's spouse, is in fact less than 14 years of age and the actor is at least 3 years older and the sexual contact includes penetration.	Lifetime		Tier III	
Unlawful Sexual Contact (A) 17-A M.R.S.A. § 255-A (1)(F-1)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person, not the actor's spouse, is in fact less than 12 years old and there is penteration	Lifetime		Tier III	
Unlawful Sexual Contact (D) 17-A M.R.S.A. § 255-A (1) (F-2)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person, not the actor's spouse, is in fact either 14 or 15 years old and the actor is at least 10 years older than the other person.	10 Year	Victim under 18	Tier I	
Unlawful Sexual Contact (D) 17-A M.R.S.A. § 255-A (1) (G)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person suffers from mental disability that is reasonably apparent or known to the actor that in fact renders the other person substantially incapable of appraising the nature of the contact involved or of understanding that the person has the right to deny or withdraw consent.	10 year	Prior to Date of Offense of 10/1/11, Victim under 18	Tier I	

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Unlawful Sexual Contact (C) 17-A M.R.S.A. § 255-A (1) (H)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person suffers from mental disability that is reasonably apparent or known to the actor that in fact renders the other person substantially incapable of appraising the nature of the contact involved or of understanding that the person has the right to deny or withdraw consent and the act includes penetration.	Lifetime		Tier II	Victim under 18 at Date of Offense
Unlawful Sexual Contact (D) 17-A M.R.S.A. § 255-A (1) (I)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person, not the actor's spouse, is under official supervision as a probationer, a parolee, a sex offender on supervised release, a prisoner on supervised community confinement status or a juvenile on community reintegration status or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person.	10 Year	Victim under 18 at Date of Offense	Tier I	Victim under 18 at Date of Offense
Unlawful Sexual Contact (C) 17-A M.R.S.A. § 255-A (1) (J)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person, not the actor's spouse, is under official supervision as a probationer, a parolee, a sex offender on supervised release, a prisoner on supervised community confinement status or a juvenile on community reintegration status or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person and the sexual contact includes penetration.	10 year	Victim under 18	Tier II	

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Unlawful Sexual Contact (D) 17-A M.R.S.A. § 255-A (1) (K)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person, not the actor's spouse, is in fact less than 18 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student.	10 Year		Tier I	
Unlawful Sexual Contact (C) 17-A M.R.S.A. § 255-A (1) (L)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person, not the actor's spouse, is in fact less than 18 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student and there is penetration.	10 Year		Tier II	
Unlawful Sexual Contact (C) 17-A M.R.S.A. § 255-A (1) (M)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person is in fact less than 18 years of age and the actor is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of the other person.	10 Year		Tier II	

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Unlawful Sexual Contact (B) 17-A M.R.S.A. § 255-A (1) (N)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person is in fact less than 18 years of age and the actor is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of the other person and the sexual contact includes penetration.	10 Year		Tier III	
Unlawful Sexual Contact (C) 17-A M.R.S.A. § 255-A (1) (O)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person submits as a result of compulsion.	Lifetime		Tier II	Victim under 18 at Date of Offense
Unlawful Sexual Contact (B) 17-A M.R.S.A. § 255-A (1) (P)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person submits as a result of compulsion and the sexual contact includes penetration.	Lifetime		Tier III	
Unlawful Sexual Contact (D) 17-A M.R.S.A. § 255-A (1) (Q)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes that other person as a person with an intellectual disability or autism.	10 Year	Prior to Date of Offense of 10-1-11, Victim under 18	Tier I	See Defense Note 4

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Unlawful Sexual Contact (C) 17-A M.R.S.A. § 255-A (1) (R)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes that the other person as a person with an intellectual disability or autism and the sexual contact includes penetration. It is an affirmative defense to prosecution under this paragraph that the actor receives services for an intellectual disability or autism or is a person with an intellectual disability.	10 Year	Prior to Date of Offense of 10-1-11, Victim under 18	Tier II	Victim under 18 at Date of Offense

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Unlawful Sexual Contact (C) 17-A M.R.S.A. § 255-A (1) (R)	<p>The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes that other person as a person with an intellectual disability or autism and the sexual contact includes penetration. It is an affirmative defense to prosecution under this paragraph that the actor receives services for an intellectual disability or autism or is a person with an intellectual disability, as defined in Title 34-B, section 5001, subsection 3, or autism, as defined in Title 34-B, section 6002.</p>	10 Year	Victim under 18 and date of offense before 10/1/11	Tier II	Victim under 18
Unlawful Sexual Contact (D) 17-A M.R.S.A. § 255-A (1) (R-1)	<p>The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and suffers from a mental disability that is reasonably apparent or known to the actor</p>	10 Year		Tier II	

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Unlawful Sexual Contact (C) 17-A M.R.S.A. § 255-A (1) (R-2)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and suffers from a mental disability that is reasonably apparent or known to the actor and the sexual contact includes penetration.	10 Year		Tier II	
Unlawful Sexual Contact (E) 17-A M.R.S.A. § 255-A (1) (S)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person, not the actor's spouse, is in fact less than 18 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor, who is at least 21 years of age, is a teacher, employee or other official in the school district, school union, educational unit, school facility or institution in which the student is enrolled.	10 Year		Tier I	

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Unlawful Sexual Contact (D) 17-A M.R.S.A. § 255-A (1) (T)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person, not the actor's spouse, is in fact less than 18 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor, who is at least 21 years of age, is a teacher, employee or other official in the school district, school union, educational unit, school facility or institution in which the student is enrolled and there is penetration.	10 year		Tier I	
Unlawful Sexual Contact (D) 17-A M.R.S.A. § 255-A (1) (U)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the actor is a psychiatrist, a psychologist or licensed as a social worker or purports to be a psychiatrist, a psychologist or licensed as a social worker to the other person and the other person, not the actor's spouse, is a current patient or client of the actor.	N/A			
Unlawful Sexual Contact (C) 17-A M.R.S.A. § 255-A (1) (V)	A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the actor is a psychiatrist, a psychologist or licensed as a social worker or purports to be a psychiatrist, a psychologist or licensed as a social worker to the other person and the other person, not the actor's spouse, is a current patient or client of the actor and there is penetration	NA			

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Unlawful Sexual Contact (D) 17-A M.R.S.A. § 255-A (1) (W)	The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare.	10 Year		Tier I	
Unlawful Sexual Contact (C) 17-A M.R.S.A. § 255-A (1) (X)	The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect and the sexual contact includes penetration. For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare	10 Year		Tier I	
Visual Sexual Aggression Against Child (D) 17-A M.R.S.A. § 256 (1) (A)	For the purpose of arousing or gratifying sexual desire or for the purpose of causing affront or alarm, the actor, having in fact attained 18 years of age, exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor and the other person, not the actor's spouse, has not in fact attained 14 years of age.	10 Year		Tier I	

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Visual Sexual Aggression Against Child (C) 17-A M.R.S.A. § 256 (1) (B)	For the purpose of arousing or gratifying sexual desire, the actor, having in fact attained 18 years of age, exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor and the other person, not the actor's spouse, has not in fact attained 12 years of age.	10 Year		Tier II	
Visual Sexual Aggression Against Child (D) 17-A M.R.S.A. § 256 (1) (C)	For the purpose of arousing or gratifying sexual desire, the actor, having in fact attained 18 years of age, intentionally engages in visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person, not the actor's spouse and not having in fact attained 14 years of age, under circumstances in which a reasonable person would expect to be safe from such visual surveillance.	10 Year		Tier I	
Visual Sexual Aggression Against Child (C) 17-A M.R.S.A. § 256 (1) (D)	For the purpose of arousing or gratifying sexual desire, the actor, having in fact attained 18 years of age, intentionally engages in visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person, not the actor's spouse and not having in fact attained 12 years of age, under circumstances in which a reasonable person would expect to be safe from such visual surveillance.	10 Year		Tier II	

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Sexual Misconduct with a Child Under 14 Years of Age (D) 17-A M.R.S.A. § 258 (1)	A person is guilty of sexual misconduct with a child under 14 years of age if that person, having in fact attained 18 years of age, knowingly displays any sexually explicit materials to another person, not the actor's spouse, who has not in fact attained the age of 14 years, with the intent to encourage the other person to engage in a sexual act or sexual contact.	10 Year		Tier I	
Sexual Misconduct with a Child Under 14 Years of Age (C) 17-A M.R.S.A. § 258 (1-A)	A person is guilty of sexual misconduct with a child under 12 years of age if that person, having in fact attained 18 years of age, knowingly displays any sexually explicit materials to another person, not the actor's spouse, who has not in fact attained 12 years of age, with the intent to encourage the other person to engage in a sexual act or sexual contact.	10 Year		Tier II	
Solicitation of a Child By A Computer 17-A MRSA sec. 259	REPEALED	10 Year		NA	
Solicitation of a Child to Commit a Prohibited Act (D) 17-A M.R.S.A. § 259-A (1) (A)	A person is guilty of soliciting a child to commit a prohibited act if the actor, with the intent to engage in a prohibited act with the other person, knowingly solicits directly or indirectly that person by any means to engage in a prohibited act and the actor; is at least 16 years of age; Knows or believes that the other person is less than 14 years of age expressed by the other person ; and is at least 3 years older than the age expressed by the other person.	10 Year		Tier I	

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Solicitation of a Child to Commit a Prohibited Act (C) 17-A M.R.S.A. § 259-A (1) (B)	A person is guilty of soliciting a child to commit a prohibited act if the actor, with the intent to engage in a prohibited act with the other person, knowingly solicits directly or indirectly that person by any means to engage in a prohibited act and the actor; is at least 16 years of age; Knows or believes that the other person is less than 12 years of age expressed by the other person ; and is at least 3 years older than the age expressed by the other person.	10 year		Tier II	
Unlawful Sexual Touching (D & E) 17-A M.R.S.A. § 260	All Class D & E crimes which roughly track the USC statutes	NONE		NONE	
Prohibited Contact with a Minor; Sex Offender Restricted Zone (E) 17-A M.R.S.A. § 261 (1)	A person is guilty of prohibited contact with a minor if that person: Intentionally or knowingly initiates direct or indirect contact with another person who has not in fact attained 14 years of age. And was convicted on or after 6/30/1992 of an offense under Chapters 11 or 12 or in another jurisdiction for similar offenses against another person who in fact had not attained 14 years of age. Intentionally or knowingly initiates direct or indirect contact in a sex offender restricted zone with another person who has not in fact attained 14 years of age.	NA		Tier I	
Prohibited Contact with a Minor; Sex Offender Restricted Zone(D) 17-A M.R.S.A. § 261 (2)	A person is guilty of sexual exploitation of a minor if: . Knowing or intending that the conduct will be photographed, the person intentionally or knowingly employs, solicits, entices, persuades, uses or compels another person, not that person's spouse, who is in fact a minor, to engage in sexually explicit conduct	NA		Tier I	

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
SEXUAL EXPLOITATION OF A MINOR (B) 17-A MRSA sec. 282(1)(A)	A person is guilty of sexual exploitation of a minor if: . Knowing or intending that the conduct will be photographed, the person intentionally or knowingly employs, solicits, entices, persuades, uses or compels another person, not that person's spouse, who is in fact a minor, to engage in sexually explicit conduct.	10 Year		Tier III	
SEXUAL EXPLOITATION OF A MINOR (A) 17-A MRSA sec. 282(1)(B)	A person is guilty of sexual exploitation of a minor if: . Knowing or intending that the conduct will be photographed, the person intentionally or knowingly employs, solicits, entices, persuades, uses or compels another person, not that person's spouse, who is in fact a minor, to engage in sexually explicit conduct and the actor has one or more priors for similar offenses.	10 Year		Tier III	
SEXUAL EXPLOITATION OF A MINOR (A) 17-A MRSA sec. 282(1)(C)	A person is guilty of sexual exploitation of a minor if: . Knowing or intending that the conduct will be photographed, the person intentionally or knowingly employs, solicits, entices, persuades, uses or compels another person, not that person's spouse, who is in fact a minor, to engage in sexually explicit conduct and being a parent, legal guardian or other person having care or custody of another person who is in fact a minor, that person knowingly or intentionally permits that minor to engage in sexually explicit conduct, and the victim is under 12 years old.knowing or intending that the conduct will be photographed.	10 Year		Tier III	

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
SEXUAL EXPLOITATION OF A MINOR (B) 17-A MRSA sec. 282(1)(D)	Being a parent, legal guardian or other person having care or custody of another person who is in fact a minor, that person knowingly or intentionally permits that minor to engage in sexually explicit conduct, knowing or intending that the conduct will be photographed.	10 Year		Tier III	
SEXUAL EXPLOITATION OF A MINOR (A) 17-A MRSA sec. 282(1)(E)	Being a parent, legal guardian or other person having care or custody of another person who is in fact a minor, that person knowingly or intentionally permits that minor to engage in sexually explicit conduct, knowing or intending that the conduct will be photographed and there were priors of a similar type.	10 Year		Tier III	Sentencing Note 8
SEXUAL EXPLOITATION OF A MINOR (A) 17-A MRSA sec. 282(1)(F)	Being a parent, legal guardian or other person having care or custody of another person who is in fact a minor, that person knowingly or intentionally permits that minor to engage in sexually explicit conduct, knowing or intending that the conduct will be photographed and the victim is under 12 years of age.	10 Year		Tier II	
Dissemination of Sexually Explicit Materials (C) 17-A M.R.S.A. §283(1)(A)	The person intentionally or knowingly disseminates or possesses with intent to disseminate any book, magazine, newspaper, print, negative, slide, motion picture, videotape, computer data file or other mechanically, electronically or chemically reproduced visual image or material that depicts any minor who the person knows or has reason to know is a minor engaging in sexually explicit conduct.	10 Year		Tier II	

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Dissemination of Sexually Explicit Materials (B) 17-A M.R.S.A. §283(1)(B)	The person violates paragraph A and, at the time of the offense, has one or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction	10 Year		Tier III	
Dissemination of Sexually Explicit Materials (B) 17-A M.R.S.A. §283(1)(C)	A person is guilty of dissemination of sexually explicit material if: The person intentionally or knowingly disseminates or possesses with intent to disseminate any book, magazine, newspaper, print, negative, slide, motion picture, videotape, computer data file or other mechanically, electronically or chemically reproduced visual image or material that depicts any minor who is less than 12 years of age who the person knows or has reason to know is a minor less than 12 years of age engaging in sexually explicit conduct.	10 Year		Tier III	
Dissemination of Sexually Explicit Materials (A) 17-A M.R.S.A. §283(1)(D)	The person violates paragraph C and, at the time of the offense, has one or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction.	10 Year		Tier III	

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
17-A MRSA 284 (1)(A) Possession of Sexually Explicit Materials (D)	Intentionally or knowingly transports, exhibits, purchases, possesses or accesses with intent to view any book, magazine, newspaper, print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material that the person knows or should know depicts another person engaging in sexually explicit conduct, and The other person has not in fact attained 16 years of age; or (2) The person knows or has reason to know that the other person has not attained 16 years of age	10 Year		Tier I	Defense Note 7
17-A MRSA 284 (1)(B) Possession of Sexually Explicit Materials (C)	Has violated sec. 284(1)(A) and has one or more prior convictions for the same.	10 Year		Tier II	Defense Note 7
17-A MRSA 284 (1)(C) Possession of Sexually Explicit Materials (C)	Violates 284(1)(A) and the person has not attained 12 years of age	10 Year		Tier II	Defense Note 7
17-A MRSA 284 (1)(D) Possession of Sexually Explicit Materials (B)	Violates 284(1)(C) and the person has not attained 12 years of age and the actor has one or more convictions for a similar offense.	10 Year		Tier II	Defense Note 7
17-A MRSA sec. 301(1)(A)(3) Kidnapping (A)	A person is guilty of kidnapping if either the actor knowingly restrains another person with the intent to inflict bodily injury upon the other person or subject the other person to conduct defined as criminal in Chapter 11.	10 Year	If victim is under 18 and Def. is not a parent.		

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
17-A MRSA sec. 511(1)(D) Violation of Privacy(D)	A person is guilty of violation of privacy if, except in the execution of a public duty or as authorized by law that person intentionally commits a civil trespass on property with the intent to overhear a person in a private place; installs or uses in a private place and without consent mechanical or electronic equipment for capturing sounds or images from that private place or installs or uses a device outside a private place to capture sounds or images from within a private place or engages in surveillance in a public place with devices used to record body parts of another person which are normally concealed	10 Year	Victim must be under 18	Tier I	Victim must be under 18
17-A 556(1)(A) Incest (D)	A person is guilty of incest and they are at least 18 and the other person is related to the actor within the 2nd degree of consanguinity.	10 Year	Victim is under 18	Tier I	
17-A 556(1)(B) Incest (C)	A person is guilty of incest and they are at least 18 and the other person is related to the actor within the 2nd degree of consanguinity and the actor has one or more priors for the same offense.	10 Year	Victim is under 18	NA	
17-A MRSA sec. 852(1)(A) Aggravated Sex Trafficking (B)	A person is guilty of aggravated sex trafficking if they promote prostitution by compelling a person to enter into or engage in prostitution.	NA		Tier III	
17-A MRSA sec. 852(1)(B) Aggravated Sex Trafficking (B)	A person is guilty of aggravated sex trafficking if they promote prostitution by compelling a person to enter into or engage in prostitution and the person is less than 18 years old.	10 year	victim under 18	Tier III	

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
17-A MRSA sec. 852(1)(C) Aggravated Sex Trafficking (B)	A person is guilty of aggravated sex trafficking if they promote prostitution by compelling a person to enter into or engage in prostitution and the person has an apparent mental disability.	NA		Tier III	
17-A MRSA sec. 855(1)(A) Patronizing Prostitution of a Minor or Disabled Person (D)	A person is guilty of patronizing prostitution of a minor if a pecuniary benefit to the prostitute or a 3d person and the prostitute is not yet 18 years old.	10 Year		Tier I	
17-A MRSA sec. 855(1)(B) Patronizing Prostitution of a Minor or Disabled Person (C)	A person is guilty of patronizing prostitution of a minor as above and the Defendant knew that the prostitute was less than 18 years old.	10 Year		Tier II	
DEFENSE NOTES					
Defense Note 1 Gross Sexual Assault 17-AMRSA 253(3)(B)	It is a defense to a prosecution under subsection 2, paragraph A that the other person voluntarily consumed or allowed administration of the substance with knowledge of its nature, except that it is no defense when the other person is in fact 14 or 15 years of age.		It is a defense to prosecution under subsection 2, paragraph A that the other person voluntarily consumed or allowed to be consumed or allowed administration of the substance with knowledge of its nature, except that it is no defense when the other person is a patient of the actor and has reasonable belief that the actor is administering the substance for medical or dental treatment		
Defense Note 2 Gross Sexual Assault 17-A M.R.S.A. § 253 (3) (B)	It is a defense to a prosecution under subsection 1, paragraphs A, A-1, A-2 and F, that the actor reasonably believe the other person is at least 16 years of age.				
Defense Note 3 Sexual Abuse of Minors 17-A MRSA sec. 254(2)	It is an affirmative defense to prosecution under this paragraph that the actor receives services for an intellectual disability or autism or is a person with an intellectual disability.				

Statute	Elements	SORNA 1999	Notes	SORNA 2013	Notes
Defense Note 4 Unlawful Sexual Contact 17-A MRSA sec. 255(1)(Q) & (R)	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 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.				
Defense Note 5 Prohibited Contact with a Minor; Sex Offender Restricted Zone 17-A M.R.S.A. § 261 (3)	It is a defense to a prosecution under subsection 1, paragraphs A, A-1, A-2 and F, that the actor reasonably believe the other person is at least 16 years of age.				
Defense Note 6 Sexual Abuse of Minors 17-A M.R.S.A. § 254 (2)					
Defense Note 7 17-A MRSA 284(2) & (3)	It is a defense to a prosecution under this section that the person depicted was the spouse of the person possessing the sexually explicit material at the time the material was produced.				

SENTENCING NOTES

In using a sentencing alternative involving a term of imprisonment for a person convicted of violating this section, a court shall, in determining the maximum period of incarceration as the 2nd step in the sentencing process, treat each prior Maine conviction for a violation of this section as an aggravating sentencing factor.

A. When the sentencing class for a prior conviction under this section is Class A, the court shall enhance the basic period of incarceration by a minimum of 4 years of imprisonment. [1993, c. 432, §1 (NEW).]

B. When the sentencing class for a prior conviction under this section is Class B, the court shall enhance the basic period of incarceration by a minimum of 2 years of imprisonment. [1993, c. 432, §1 (NEW).]

C. When the sentencing class for a prior conviction under this section is Class C, the court shall enhance the basic period of incarceration by a minimum of one year of imprisonment. [1993, c. 432, §1 (NEW).]

In arriving at the final sentence as the 3rd step in the sentencing process, the court may not suspend that portion of the maximum term of incarceration based on a prior conviction.

[2001, c. 383, §20 (AMD); 2001, c. 383, §156 (AFF) .]

7. If the State pleads and proves that a violation of subsection 1 or subsection 2 was committed in a safe children zone, the court, in determining the appropriate sentence, shall treat this as an aggravating sentencing factor.

BIO

Stephen Smith has been a trial lawyer for more than 16 years with a statewide practice in criminal defense, personal injury and family law. He founded Smith Law Offices 15 years ago in Bangor, Maine, and since then he has represented thousands of clients statewide. He recently joined the well-known firm of Lipman & Katz. With well over 100 serious jury trials and countless bench trials under his belt, Steve fully enjoys being in the fray. Admitted to practice before the U.S. Supreme Court, the First Circuit Court of Appeals and federal and state courts, Stephen has also been a longtime member of the Bar of the Penobscot and Passamaquoddy Tribal Courts and once acted as the Penobscot Tribe's child protective attorney general.

Early in his career, Steve took a special interest in sex crime defense and has developed significant expertise and experience in all manner of sexual assault and child molestation cases. Steve practices extensively in federal courts. His federal practice both the possession and production of child pornography. Steve is currently involved as lead counsel for the defense in only the second federal prosecution in the United States for the importation of whale tusks of the rare Narwhal whale.

His non-legal background includes a military career in the U.S. Army. After beginning as an infantryman in the 3rd Ranger Battalion he served as a machine gunner in Desert Storm. After leaving active service, he joined the Maine Army National Guard where he served as a sniper team leader in the Mountain Infantry. Following his infantry service as an NCO, Steve became one of the first direct commissioned officers in the Guard, beginning his career as an officer as an engineer platoon leader. Shortly after graduating law school, he was direct commissioned as a Judge Advocate General officer. Following the attacks of 9/11, Steve was asked to serve in Operation Enduring Freedom in Afghanistan as a military prosecutor. Steve's deployment lasted 18 months and upon his return he saw his 3rd child for the first time. Steve retired from the army after 21 years of service. His legal expertise and long association with the military has made him an expert resource for other attorneys in issues pertaining to military divorces and pensions.

Steve has played a significant role in the revitalization of downtown Bangor; he started the New Year's Ball Drop in the downtown area, rehabilitated three historical commercial buildings in a once blighted area and developed two successful restaurants

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