

§11203. Definitions

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

1. Bureau. "Bureau" means the State Bureau of Identification.
[PL 1999, c. 437, §2 (NEW).]

1-A. Conditional release. "Conditional release" means supervised release of a registrant or an offender from institutional confinement for placement on probation, parole, supervised release for sex offenders, supervised community confinement, home release monitoring or release under Title 15, section 104-A or Title 17-A, chapter 54-G.
[PL 2013, c. 133, §32 (AMD).]

1-B. Discharge. "Discharge" means unconditional release and discharge of a registrant from institutional confinement upon the expiration of a sentence or upon discharge under Title 15, section 104-A.
[PL 2003, c. 711, Pt. C, §6 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

1-C. Another state. "Another state" means each of the several states except Maine, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Northern Mariana Islands.
[PL 2003, c. 711, Pt. C, §7 (NEW); PL 2003, c. 711, Pt. D, §2 (AFF).]

2. Domicile. "Domicile" means the place where a person has that person's established, fixed, permanent or ordinary dwelling place or legal residence to which, whenever the person is absent, the person has the intention of returning. A person may have more than one residence but only one domicile.
[PL 2003, c. 711, Pt. C, §8 (RPR); PL 2003, c. 711, Pt. D, §2 (AFF).]

3. FBI. "FBI" means the Federal Bureau of Investigation.
[PL 1999, c. 437, §2 (NEW).]

3-A. Jurisdiction. "Jurisdiction" means the Federal Government, including the military, this State or another state or tribe.
[PL 2003, c. 711, Pt. C, §7 (NEW); PL 2003, c. 711, Pt. D, §2 (AFF).]

4. Law enforcement agency having jurisdiction. "Law enforcement agency having jurisdiction" means the chief of police in the municipality where a registrant or an offender expects to be or is domiciled. If the municipality does not have a chief of police, "law enforcement agency having jurisdiction" means the sheriff of the county where the municipality is located. "Law enforcement agency having jurisdiction" also means the sheriff of the county in an unorganized territory.
[PL 2009, c. 365, Pt. B, §5 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

4-A. Risk assessment instrument. "Risk assessment instrument" means an instrument created and modified as necessary by reviewing and analyzing precursors to a sex offense, victim populations of a registrant or an offender, living conditions and environment of a registrant or an offender and other factors predisposing a person to become a registrant or an offender, for the ongoing purpose of identifying risk factors.
[PL 2009, c. 365, Pt. B, §6 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

4-B. Sentence. "Sentence," in addition to any punishment alternatives, includes an involuntary commitment under Title 15, section 103, or similar statute from another jurisdiction, following a verdict of not criminally responsible by reason of mental disease or defect or similar verdict in another jurisdiction.
[PL 2001, c. 533, §1 (NEW).]

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

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

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

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

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

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

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

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

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

A. [PL 2005, c. 423, §4 (RP).]

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

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

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

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

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

[PL 2013, c. 424, Pt. A, §19 (AMD).]

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

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

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

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

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

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

[PL 2011, c. 423, §10 (NEW).]

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

A. A conviction for an offense under Title 17-A, section 259-A or for an attempt or conspiracy to commit an offense under Title 17-A, section 259-A; [PL 2011, c. 597, §7 (NEW).]

B. A violation in another jurisdiction that includes the essential elements of an offense listed under Title 17-A, section 259-A; or [PL 2011, c. 597, §7 (NEW).]

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

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

(2) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248. [PL 2011, c. 597, §7 (NEW).]

[PL 2011, c. 597, §7 (NEW).]

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

A. A conviction for one of the offenses or for an attempt to commit one of the offenses under former Title 17-A, section 252; under Title 17-A, section 253, subsection 1; Title 17-A, section 253, subsection 2, paragraph A, B, C or D; former Title 17-A, section 255, subsection 1, paragraph C or H; former Title 17-A, section 255, subsection 1, paragraph B or D, if the crime was elevated a class under former Title 17-A, section 255, subsection 3; Title 17-A, section 255-A, subsection 1, paragraph D, E, E-1, F, F-1, H, O or P; [PL 2009, c. 365, Pt. B, §13 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

B. A conviction for an offense or for an attempt to commit an offense of the law in another jurisdiction that includes the essential elements of an offense listed in paragraph A; or [PL 2009, c. 365, Pt. B, §13 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

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

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

(2) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248. [PL 2009, c. 365, Pt. B, §13 (NEW); PL 2009, c. 365, Pt. B, §22 (AFF).]

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

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

A. Sexually violent offense; or [PL 1999, c. 437, §2 (NEW).]

B. Sex offense when the person has another conviction for or an attempt to commit an offense that includes the essential elements of a sex offense or sexually violent offense. For purposes of this paragraph, "another conviction" means:

- (1) For persons convicted and sentenced before September 17, 2005, a conviction for an offense for which sentence was imposed prior to the occurrence of the new offense; and
- (2) For persons convicted and sentenced on or after September 17, 2005, a conviction that occurred at any time. Convictions that occur on the same day may be counted as other offenses for the purposes of classifying a person as a lifetime registrant if:
 - (a) There is more than one victim; or
 - (b) The convictions are for offenses based on different conduct or arising from different criminal episodes. [PL 2009, c. 365, Pt. B, §14 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

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

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

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

SECTION HISTORY

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

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