APPENDIX A

Authorizing Legislation
Resolve 2003, c. 75

CHAPTER 75

H.P. 292 - L.D. 372

Resolve, to Improve Community Safety and Sex Offender Accountability

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, completion of the study established in this resolve to review policies affecting sentencing, registration, release and placement of sex offenders is of vital interest to the citizens of this State and must be completed as soon as possible; and

Whereas, immediate passage of this resolve is necessary to provide for full consideration of these important issues, timely completion of the study and submission of recommendations for consideration by the Second Regular Session of the 121st Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission to Improve Community Safety and Sex Offender Accountability, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of the following 18 members:

1. One member of the Senate, appointed by the President of the Senate;

2. Two members of the House of Representatives, appointed by the Speaker of the House;

3. One representative of the Department of Corrections, appointed by the Commissioner of Corrections;

4. One representative of the Department of Public Safety's Sex Offender Registry Office, appointed by the Commissioner of Public Safety;

5. One representative of the Office of the Attorney General, appointed by the Attorney General;

6. Five members appointed by the President of the Senate as follows:

A. One representative of a statewide coalition advocating for victims of sexual assault;

B. One representative of people who provide direct support services to victims of sexual assault;

C. One representative of people who provide direct services for sex offenders;

D. One representative of the Maine Civil Liberties Union; and

E. One representative of the Maine Chiefs of Police Association; and

7. Six members appointed by the Speaker of the House of Representatives as follows:

A. One representative of the Maine Association of Criminal Defense Lawyers;

B. One representative of the Maine Prosecutors Association;

C. One representative of victims of sexual assault;

D. One representative of psychologists or psychiatrists who treat sex offenders;

E. One representative of the Maine Council of Churches; and

F. One representative of the Maine Sheriffs' Association.

The Chief Justice of the Supreme Judicial Court is invited to designate a judge or a justice to serve on the commission as a member; and be it further

Sec. 3. Appointments; chairs; meetings. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once the appointments have been completed. The Senate member is the Senate chair and the first-named House of Representatives member is the House chair. The chairs shall call and convene the first meeting of the commission no later than 15 days after appointments of all members. The commission may hold a total of 4 meetings, one of which may be a public hearing; and be it further

Sec. 4. Duties. Resolved: That the commission shall invite the participation of experts and interested parties, gather information and request necessary data from public and private entities to examine and recommend any changes to current laws governing the sentencing, registration, release and placement of sex offenders.

In conducting its study, the commission shall:

1. Define and establish minimum standards for notification and guidelines concerning notification of sex offenders to the public;

2. Examine matters concerning the management of offenders, including the risk assessment that is currently used to assess offenders upon release, the necessity of prerelease discharge plans and the benefits of treatment while in corrections facilities; and

3. Examine issues regarding registration, including the current time period allowed offenders before they must register with local law enforcement agencies.

The commission's study may include any other issues the commission determines appropriate; and be it further

Sec. 5. Staff assistance. Resolved: That upon approval of the Legislative Council, the Office of Policy and Legal Analysis

shall provide necessary staffing services to the commission; and be it further

Sec. 6. Compensation. Resolved: That the members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the commission; and be it further

Sec. 7. Funding. Resolved: That the commission may seek and accept outside funds to support the study. Prompt notice of solicitation and acceptance of funds must be sent to the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, date the funds were received, from whom the funds were received and the purpose and any limitation on the use of the funds. The Executive Director of the Legislative Council administers any funds received; and be it further

Sec. 8. Report. Resolved: That the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 121st Legislature no later than December 3, 2003. If the commission requires an extension of time to complete its report, it may apply to the Legislative Council, which may grant the extension. Following review of the report, the Joint Standing Committee on Criminal Justice and Public Safety may report out a bill related to the study to the Second Regular Session of the 121st Legislature; and be it further

Sec. 9. Budget. Resolved: That the cochairs of the commission, with assistance from the commission's staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative council shall promptly provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds; and be it further

Sec. 10. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Commission to Improve Community Safety and Sex Offender Accountability

Initiative: Provides a base allocation to authorize expenditures from the anticipation of collecting outside funds.

Other Special Revenue Funds	**2003-04**	**2004-05**
All Other	$500	$0
Other Special Revenue Funds Total	$500	$0

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

APPENDIX B

Membership list
Commission to Improve Community Safety and Sex Offender Accountability

COMMISSION TO IMPROVE COMMUNITY SAFETY AND SEX OFFENDER ACCOUNTABILITY

Resolve 2003, Ch 75

As Of Thursday, January 29, 2004

Appointment(s) by the President

Sen. Pamela Henderson Hatch 23 French Street P.O. Box 345 Skowhegan, ME 04976 (207)-474-3435	**Chair**	
Chief Butch Asselin Skowhegan Police Department 90 Water Street Skowhegan, ME 04976		Representing the Maine Chiefs of Police Association
Elizabeth Ward Saxl ME Coalition Against Sexual Assault 83 Western Avenue, Suite 2 Augusta, ME 04330		Representing a Statewide Coalition Advocating for Victims of Sexual Assault
Donna Strickler Maine Coalition Against Sexual Assault 3 Mulliken Court Augusta, ME 04330 (207)-626-0034		Representing Providers of Support Services to Victims
Joan Sturmthal 21 Second Street Hallowell, ME 04347		Representing the Maine Civil Liberties Union

Appointment(s) by the Speaker

Rep. Sean F. Faircloth P.O. Box 1574 Bangor, ME 04402 (207)-941-8339	**Chair**	House Member
Rep. Christian David Greeley P.O. Box 593 Bangor, ME 04402		House Member
John Paul DeGrinney, Esq. 1266 Congress Street Portland, ME 04101		Representing the Maine Association of Criminal Defense Lawyers
Sheriff Mark N. Dion Cumberland County Sheriff's Office 36 County Way Portland, ME 04102-2755 (207)-626-7695		Representing the Maine Sheriff's Associaton
Alan Kelley, Deputy D.A. Kennebec County Courthouse 95 State Street Augusta, ME 04330		Representing the Maine Prosecutor's Association

Kay I. Landry, Executive Director Klinikos 99 Western Ave., Suite #4 Augusta, ME 04330	Representing the Maine Council of Churches
Ms. Jennifer E. Parsons 743 Cundys Harbor Road Harpswell, ME 04079	Representing Victims
Dr. Brian Rines P.O. Box 69 Gardiner, ME 04359	Representing Psychologists or Psychiatrists

Attorney General

Charles Leadbetter Assistant Attorney General 6 State House Station Augusta, ME 04333 (207)-626-8511	Representing the Office of the Attorney General

Chief Justice

Justice John R. Atwood Kennebec County Court House 95 State Street Augusta, ME 04330	Representing the Chief Justice, Supreme Judicial Court

Commissioner, Department of Corrections

Dr. Joseph Fitzpatrick, Clinical Director Department of Corrections 111 State House Station Augusta, ME 04333 (207)-287-2711	Representing the Department of Corrections

Commissioner, Department of Public Safety

Lt. Jackie Theriault Department of Public Safety 42 SHS, 36 Hospital Street Augusta, ME 04333 (207)-624-7097	Representing the Department of Public Safety

Staff: Marion Hylan Barr, OPLA, 287-1670

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APPENDIX C

Legislation Proposed by the Commission

TITLE: AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMISSION TO IMPROVE COMMUNITY SAFETY AND SEX OFFENDER ACCOUNTABILITY

PART A

Sec. A-1. 17 MRSA §2922, sub-§1 as amended by PL 2003, c. 452, Part I, §47 is amended to read:

1. Offense. A person is guilty of sexual exploitation of a minor if:

A. 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~~; or~~. Violation of this paragraph is a Class B crime;

A-1. The person violates paragraph A and, at the time of the offense, has one or more prior convictions for violating this section~~;~~. Violation of this paragraph is a Class A crime;

A-2. The person violates paragraph A, and the victim has not in fact attained the age of 12 years. Violation of this paragraph is a Class A crime;

A-3. The person violates paragraph A and, at the time of the offense, the person has one or more prior convictions for violating this section, and the victim has not in fact attained the age of 12 years. Violation of this paragraph is a Class A crime;

B. 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~~; or~~. Violation of this paragraph is a Class B crime;

B-1. The person violates paragraph B, and the victim has not in fact attained the age of 12 years. Violation of this paragraph is a Class A crime;

C. The person violates paragraph B and, at the time of the offense, has one or more prior convictions for violating this section. Violation of this paragraph is a Class A crime; or

C-1. The person violates paragraph B and, at the time of the offense, the person has one or more prior convictions for violating this section, and the victim has not in fact attained the age of 12 years. Violation of this paragraph is a Class A crime.

Sec. A-2. 17 MRSA §2922, sub-§2, as amended by PL 2003, c. 452, Part I, §48 is repealed.

Sec. A-3. 17 MRSA §2922, sub-§3 is enacted to read:

3. Mandatory minimum terms of imprisonment. The following mandatory minimum terms of imprisonment apply to sexual exploitation of a minor.

A. A court shall impose upon a person convicted under subsection 1, paragraphs A-1 or C a sentencing alternative involving a term of imprisonment of at least 10 years.

B. A court shall impose upon a person convicted under subsection 1, paragraphs A or B a sentencing alternative involving a term of imprisonment of at least 5 years.

The court may not suspend a minimum term of imprisonment imposed under paragraph A or B unless it sets forth in detail, in writing, the reasons for suspending the sentence. The court shall consider the nature and circumstances of the crime, the physical and mental well-being of the minor and the history and character of the defendant and may only suspend the minimum term if it is of the opinion that exceptional features of the case justify the imposition of another sentence. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

Sec. A-4. 17 MRSA §2923, sub-§1, as amended by PL 2003, c. 452, Part I, §49 is amended to read:

1. Offense. A person is guilty of dissemination of sexually explicit material if:

A. The person intentionally or knowingly disseminates or possesses with intent to disseminate any book, magazine, 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~~; or~~. Violation of this paragraph is a Class C crime;

B. The person violates paragraph A and, at the time of the offense, has one or more prior convictions for violating this section. Violation of this paragraph is a Class B crime;

C. The person intentionally or knowingly disseminates or possesses with intent to disseminate any book, magazine, print, negative, slide, motion picture, videotape, computer data file or other mechanically, electronically or chemically reproduced visual image or material that depicts any person who is less than 12 years of age, who the person knows or has reason to know is a person less than 12 years of age, engaging in sexually explicit conduct. Violation of this paragraph is a Class B crime; or

D. The person violates paragraph C and, at the time of the offense, has one or more prior convictions for violating this section. Violation of this paragraph is a Class A crime.

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

Sec. A-4. 17 MRSA §2923, sub-§3, as amended by PL 2003, c. 452, Part I, §49 is repealed.

Sec. A-5. 17 MRSA §2924, sub-§2-A, as amended by PL 2003, c. 452, Part I, §52 is amended to read:

2-A. Offense. A person is guilty of possession of sexually explicit material if that person:

A. Intentionally or knowingly transports, exhibits, purchases or possesses any book, magazine, 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:

(1) The other person has not in fact attained the age of 14 years; or

(2) The person knows or has reason to know that the other person has not attained the age of 14 years~~; or~~ .

Violation of this paragraph is a Class D crime;

B. Violates paragraph A and, at the time of the offense, has one or more prior convictions for violating this section. Violation of this paragraph is a Class C crime;

C. Intentionally or knowingly transports, exhibits, purchases or possesses any book, magazine, 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:

(1) The other person has not in fact attained the age of 12 years; or

(2) The person knows or has reason to know that the other person has not attained the age of 12 years.

Violation of this paragraph is a Class C crime; or

D. Violates paragraph C and, at the time of the offense, has one or more prior convictions for violating this section. Violation of this paragraph is a Class B crime.

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

Sec. A-6. 17 MRSA §2924, sub-§5, as amended by PL 2003, c. 452, Part I, §53 is repealed.

Sec. A-7. 17-A MRSA §253, sub-§1, ¶ C is enacted to read:

C. The other person, not the actor's spouse, has not in fact attained the age of 12 years. Violation of this paragraph is a Class A crime.

Sec. A-8. 17-A MRSA §255-A, sub-§1, ¶¶E-1 and F-1 is amended to read:

1. A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and:

E-1. 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. Violation of this paragraph is a Class B crime;

F-1. 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. Violation of this paragraph is a Class A crime;

Sec. A-9. 17-A MRSA §256, 1 is amended to read:

1. A person is guilty of visual sexual aggression against a child if, 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. Violation of this subsection is a Class D crime.

Sec. A-10. 17-A MRSA §256, 1-A is enacted to read:

1-A. A person is guilty of visual sexual aggression against a child if, 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 12 years of age. Violation of this subsection is a Class C crime.

Sec. A-11. 17-A MRSA §256, sub-§2 is repealed.

Sec. A-12. 17-A MRSA 258, sub-§1 is amended to read:

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. Violation of this subsection is a Class D crime.

Sec. A-13. 17-A MRSA §258, sub-§1-A is enacted to read:

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 the age of 12 years, with the intent to encourage the other person to engage in a sexual act or sexual contact. Violation of this subsection is a Class C crime.

Sec. A-14. 17-A MRSA §258, sub-§3 is repealed.

Sec. A-15. 17-A MRSA §259, sub-§1-A is amended to read:

1-A. A person is guilty of soliciting a child by a computer to commit a prohibited act if:

A. The actor:

(1) Uses a computer knowingly to solicit, entice, persuade or compel another person to meet with the actor;

(2) Is at least 16 years of age;

(3) Knows or believes that the other person is less than 14 years of age; and

(4) Is at least 3 years older than the expressed age of the other person; and

B. The actor has the intent to engage in any one of the following prohibited acts with the other person:

(1) A sexual act as defined in section 251, subsection 1, paragraph C;

(2) Sexual contact as defined in section 251, subsection 1, paragraph D; or

(3) Sexual exploitation of a minor pursuant to Title 17, section 2922.

Violation of this subsection is a Class D crime.

Sec. A-16. 17-A MRSA §259, sub-§1-B is enacted to read:

1-B. A person is guilty of soliciting a child by a computer to commit a prohibited act if:

A. The actor:

(1) Uses a computer knowingly to solicit, entice, persuade or compel another person to meet with the actor;

(2) Is at least 16 years of age;

(3) Knows or believes that the other person is less than 12 years of age; and

(4) Is at least 3 years older than the expressed age of the other person; and

B. The actor has the intent to engage in any one of the following prohibited acts with the other person:

(1) A sexual act as defined in section 251, subsection 1, paragraph C;

(2) Sexual contact as defined in section 251, subsection 1, paragraph D; or

(3) Sexual exploitation of a minor pursuant to Title 17, section 2922.

Violation of this subsection is a Class C crime.

Sec. A-17. 17-A MRSA §259, sub-§3 is repealed.

Sec. A-18. 17-A MRSA §511, sub-§1 is amended to read:

1. 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:

A. Commits a civil trespass on property with the intent to overhear or observe any person in a private place. Violation of this paragraph is a Class D crime;

B. Installs or uses in a private place without the consent of the person or persons entitled to privacy in that place, any device for observing, photographing, recording, amplifying or broadcasting sounds or events in that place. Violation of this paragraph is a Class D crime;

C. Installs or uses outside a private place without the consent of the person or persons entitled to privacy therein, any device for hearing, recording, amplifying or broadcasting sounds originating in that place that would not ordinarily be audible or comprehensible outside that place~~; or~~. Violation of this paragraph is a Class D crime.

D. Engages in visual surveillance in a public place by means of mechanical or electronic equipment with the intent to observe or photograph, or record, amplify or broadcast an image of any portion of the body of another person present in that place when that portion

of the body is in fact concealed from public view under clothing and a reasonable person would expect it to be safe from surveillance. Violation of this paragraph is a Class D crime; or

E. Engages in visual surveillance in a public place by means of mechanical or electronic equipment with the intent to observe or photograph, or record, amplify or broadcast an image of any portion of the body of another person present in that place when that portion of the body is in fact concealed from public view under clothing and a reasonable person would expect it to be safe from surveillance and the person or persons entitled to privacy in that place are under 12 years of age. Violation of this paragraph is a Class C crime.

Sec. A-19. 17-A MRSA §511, sub-§3 is repealed.

Sec. A-20. 17-A MRSA §1152, sub-§2-C is amended to read:

2-C. ~~As part of a~~ At the time the court imposes a sentence, the court shall order every natural person who is ~~a~~ convicted ~~sex offender~~ of a sex offense or a sexually violent offense ~~sexually violent predator,~~ ~~as defined~~ under Title 34-A, section 11203 to satisfy all requirements set forth in the Sex Offender Registration and Notification Act of 1999.

Sec. A-21. 17-A MRSA §1202, sub-§ 1-A, ¶A is repealed and replaced with the following:

A. If the State pleads and proves that at the time of the crime the victim had not attained 12 years of age, the period of probation for a person convicted under chapter 11 or Title 17, chapter 93-B may not exceed:

(1) 18 years for a Class A crime;

(2) 12 years for a Class B crime; and

(3) 6 years for a Class C crime;

Sec. A-22. 17-A MRSA §1202, sub-§1-A, ¶B is amended to read:

B. The period of probation for a person sentenced as a ~~dangerous~~ repeat sexual assault offender ~~pursuant to~~ under section 1252, subsection 4-B is any term of years~~.~~; and

Sec. A-23. 17-A MRSA §1202, sub-§1-A, ¶C is enacted to read:

C. The period of probation for a person sentenced under section 1252, subsection 5-C may not exceed 18 years.

Sec. A-24. 17-A MRSA §1203, §1-A, ¶B is amended to read:

B. The court may revoke probation if, during the initial unsuspended portion of the term of imprisonment, a person sentenced as a ~~dangerous~~ repeat sexual assault offender, ~~pursuant to~~ under section 1252, subsection 4-B, refuses to actively participate in a sex offender treatment program in accordance with the expectations and judgment of the treatment providers, when requested to do so by the Department of Corrections.

Sec. A-25. 17-A MRSA §1231, sub-§2, ¶A is amended to read:

A. Any period of years for a person sentenced as a ~~dangerous~~ repeat sexual assault offender ~~pursuant to~~ under section 1252, subsection 4-B; and

Sec. A-26. 17-A MRSA §1252, sub-§4-B is amended to read:

4-B. If the State pleads and proves that the defendant is a ~~dangerous~~ repeat sexual assault offender, the court, notwithstanding subsection 2, may set a definite period of imprisonment for any term of years.

A. As used in this section, "~~dangerous~~ repeat sexual assault offender" means a person who commits a new gross sexual assault after having been convicted previously and sentenced for any of the following:

(1) Gross sexual assault, formerly denominated as gross sexual misconduct;

(2) Rape;

(3) Attempted murder accompanied by sexual assault;

(4) Murder accompanied by sexual assault; or

(5) Conduct substantially similar to a crime listed in subparagraph (1), (2), (3) or (4) that is a crime under the laws of the United States or any other state.

The date of sentencing is the date of the oral pronouncement of the sentence by the trial court, even if an appeal is taken.

B. "Accompanied by sexual assault" as used with respect to attempted murder, murder and crimes involving substantially similar conduct in other jurisdictions is satisfied if the sentencing court at the time of sentence imposition makes such a finding.

Sec. A-27. 17-A MRSA §1252, sub-§§5-C and 5-D are enacted to read:

5-C. In using a sentencing alternative involving a term of imprisonment for a person convicted of a Class A crime of gross sexual assault who, at the time the crime was committed,

had previously been convicted and sentenced for a Class B or Class C crime of unlawful sexual contact, or an essentially similar crime in another jurisdiction, the court may impose a maximum period of incarceration in excess of 20 years based on the prior conviction.

5-D. In using a sentencing alternative involving a term of imprisonment for a person convicted under section 253, subsection 1, paragraph C or Title 17, section 2922, subsection 1, paragraphs A-2, A-3, B-1 or C-1, the court may impose a maximum period of incarceration in excess of 20 years based on the fact that the victim had not attained 12 years of age.

PART B

Sec. B-1. 34-A MRSA §11201 is amended to read:

§11201. Short title

This chapter may be known and cited as the "Sex Offender Registration and Notification Act of 1999." The purpose of this chapter is to protect the public from potentially dangerous ~~sex offenders and sexually violent predators~~ registrants by enhancing access to information concerning ~~sex offenders and sexually violent predators~~ registrants.

Sec. B-2. 34-A MRSA §11202 is repealed and replaced with the following:

§11202. Application

This chapter applies to a person defined as a 10-year registrant or lifetime registrant who has been sentenced on or after June 30, 1992.

Sec. B-3. 34-A MRSA §11203 is amended to read:

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

1-A. Conditional release. "Conditional release" means supervised release of a ~~sex offender or a sexually violent predator~~ registrant from institutional confinement for placement on probation, parole, intensive supervision, supervised community confinement, home release monitoring or release under Title 15, section 104-A or Title 17-A, chapter 50.

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

2. Domicile. "Domicile" means the place where a person lives, resides or dwells.

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

4. Law enforcement agency having jurisdiction. "Law enforcement agency having jurisdiction" means the chief of police in the municipality where a ~~sex offender~~ registrant 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 were the municipality is located. "Law enforcement agency having jurisdiction" also means the sheriff of the county in an unorganized territory.

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 ~~sex offender or a~~ ~~sexually violent predator~~ registrant, living conditions and environment of a ~~sex offender or a~~ ~~sexually violent predator~~ registrant and other factors predisposing a person to become a ~~sex offender, repeat sex offender or sexually violent~~ registrant, for the ongoing purpose of identifying risk factors used to provide notification of a ~~sex offender's or a~~ ~~sexually violent predator's~~ registrant's conditional release or discharge from a state correctional facility to law enforcement agencies and to the public.

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.

5. ~~Sex offender~~ 10-year registrant. ~~"Sex offender"~~ "10-year registrant" means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult of a sex offense.

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. A violation under Title 17, section 2922, 2923 or 2924;

B. A violation under 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, B, D, E, F, I or J, if the crime was not elevated a class under Title 17-A, section 255, subsection 3; Title 17-A, section 255-A, subsection 1, paragraph A, B, C, G, I, J, K, L, M, N, Q, R, S or T; Title 17-A, section 256; Title 17-A, section 258; Title 17-A, section 259; Title 17-A, section 301, ~~unless the actor is a parent of the victim~~; Title 17-A, section 302; 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; or

C. A violation of an offense in another jurisdiction, including, but not limited to, a state, federal, military or tribal court, that includes the essential elements of an offense listed in paragraph A or B.

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; 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 or paragraph A, B, D, E, F, G, I or J if the crime was elevated a class under Title 17-A, section 255, subsection 3; or Title 17-A, section 255-A, subsection 1, paragraph ~~C~~, D, E, F, ~~G~~, H, O or P; or

B. A conviction for an offense or for an attempt to commit an offense of the law in another jurisdiction, including, but not limited to, a state, federal, military or tribal court, that includes the essential elements of an offense listed in paragraph A.

8. ~~Sexually violent predator~~ Lifetime registrant. ~~"Sexually violent predator"~~ "Lifetime registrant" means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult of a:

A. Sexually violent offense;

B. Sex offense when the person has a prior conviction for or an attempt to commit an offense that includes the essential elements of a sex offense or sexually violent offense.

9. Another state. "Another state" means the 49 states other than Maine, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam and the Northern Mariana Islands.

10. Jurisdiction. "Jurisdiction" means the federal government, including the military; this State or another state or tribe.

11. Registrant. "Registrant" means a 10-year registrant or a lifetime registrant or, where appropriate, both a 10-year registrant and a lifetime registrant.

12. Tribe. "Tribe" means the Passamaquoddy tribe or the Penobscot Nation.

Sec. B-4. 34-A MRSA §11221, sub-§§1, 2, 6, 9 and 10 are amended to read:

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

A. The ~~sex offender's or sexually violent predator's~~ registrant's name, aliases, date of birth, sex, race, height, weight, eye color, mailing address, home address or expected domicile;

B. Place of employment and college or school being attended, if applicable, and the corresponding address and location;

C. Offense history;

D. Notation of any treatment received for a mental abnormality or personality disorder;

E. A photograph and set of fingerprints;

F. A description of the offense for which the ~~sex offender or sexually violent predator~~ registrant was convicted, the date of conviction and the sentence imposed; and

G. Any other information the bureau determines important.

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 ~~sex offenders~~ registrants for the purpose of sharing information.

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

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

A. The bureau shall post on the Internet for public inspection the following information concerning a ~~sex offender or sexually violent predator~~ registrant:

(1) The ~~sex offender's or sexually violent predator's~~ registrant's name, date of birth and photograph;

(2) The ~~sex offender's or sexually violent predator's~~ registrant's city or town of domicile;

(3) The ~~sex offender's or sexually violent predator's~~ registrant's place of employment and college or school being attended, if applicable, and the corresponding address and location; and

(4) The statutory citation and name of the offense for which the ~~sex offender or sexually violent predator~~ registrant was convicted

B. Upon receiving a written request that includes the name and date of birth of a ~~sex offender or~~ ~~sexually violent predator~~ registrant, the bureau shall provide the following information concerning a ~~sex offender or sexually violent predator~~ registrant to the requestor:

(1) The ~~sex offender's or sexually violent predator's~~ registrant's name, aliases, date of birth, sex, race, height, weight, eye color, mailing address and home address or domicile;

(2) The ~~sex offender's or sexually violent predator's~~ registrant's place of employment and college or school being attended, if applicable, and the corresponding address and location;

(3) A description of the offense for which the ~~sex offender or~~ ~~sexually violent predator~~ registrant was convicted, the date of conviction and the sentence imposed; and

(4) The ~~sex offender's or~~ ~~sexually violent predator's~~ registrant's photograph.

10. ~~Sex offender or sexually violent predator~~ Registrant access to information. Pursuant to Title 16, section 620, the bureau shall provide all information described in subsection 1 to a ~~sex offender~~ ~~or sexually violent predator~~ registrant who requests that person's own information.

Sec. B-5. 34-A MRSA §11222 is amended to read:

§11222. Duty of ~~sex offender or sexually violent predator~~ registrant to register

1. Determination by court. The court shall determine at the time of sentencing if a defendant is a ~~sex offender~~ 10-year registrant or ~~sexually violent predator~~ lifetime registrant. A person who the court determines is a ~~sex offender~~ 10-year registrant or ~~sexually violent predator~~ lifetime registrant shall register according to this subchapter.

1-A. When duty to register must be exercised. Following determination by the court under subsection 1, a ~~sex offender or sexually violent predator~~ registrant shall register as follows.

A. If the ~~sex offender or sexually violent predator~~ registrant is sentenced to a wholly suspended sentence with probation or to a punishment alternative not involving imprisonment, the duty to register is triggered at the time the person commences an 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.

B. If the ~~sex offender or sexually violent predator~~ registrant is sentenced to a straight term of imprisonment or to a split sentence, the duty to register is triggered by discharge or conditional release.

C. If the ~~sex offender or sexually violent predator~~ registrant is committed under Title 15, section 103, the duty to register is triggered by discharge or conditional release under Title 15, section 104-A.

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

A. Inform the ~~sex offender or sexually violent predator~~ registrant of the duty to register and obtain the information required for the initial registration;

B. Inform the ~~sex offender or sexually violent predator~~ registrant that if the ~~sex offender or sexually violent predator~~ registrant changes domicile, place of employment or college or school being attended, the ~~sex offender or sexually violent predator~~ registrant shall give the new address to the bureau in writing within 10 days;

C. Inform the ~~sex offender or sexually violent predator~~ registrant that if that ~~sex offender or sexually violent predator~~ registrant changes domicile to another state, the ~~sex offender or sexually violent predator~~ registrant shall register the new address with the bureau and if the new state has a registration requirement, the ~~sex offender or sexually violent predator~~ registrant shall register with a designated law enforcement agency in the new state not later than 10 days after establishing domicile in the new state;

D. Inform the ~~sex offender or sexually violent predator~~ registrant that if that ~~sex offender or sexually violent predator~~ registrant 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 ~~sex offender or sexually violent predator~~ registrant enrolls in any type of school in another state on a part-time or full-time basis, the ~~sex offender or sexually violent predator~~ registrant shall give the bureau the registrant's place of employment or school to be attended in writing within 10 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;

E. Obtain fingerprints and a photograph of the ~~sex offender or sexually violent predator~~ registrant or the court may order the ~~sex offender or sexually violent predator~~ registrant 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

F. Enforce the requirement that the ~~sex offender or sexually violent predator~~ registrant read and sign a form provided by the bureau that states that the duty of the ~~sex offender or sexually violent predator~~ registrant to register under this section has been explained.

2-A. Duty of ~~sex offender or sexually violent predator~~ registrant sentenced from June 30, 1992 to September 17, 1999 to register. Notwithstanding subsection 1 and except as provided in subsection 2-B, a person coming within the definition of a 10-year registrant or a lifetime registrant, who has been sentenced on or after June 30, 1992 but before September 18, 1999 for a sex offense or a sexually violent offense shall register either as a ~~sex offender or sexually violent predator~~ 10-year registrant or a lifetime registrant, whichever is applicable, with the bureau by September 1, 2002 if the duty to register has been triggered under subsection 1-A, paragraph A, B or C, unless sooner notified in writing of a duty to register under subsection 1-A, paragraph A, B or C by the bureau, the department or a law enforcement officer, in which case the person shall register with the bureau within 10 days of notice.

2-B. Duty to register for new crimes. For a person otherwise subject to subsection 2-A who has been sentenced for a crime added by amendment made to the definition of sex offense or sexually violent offense since September 1, 2002, if the duty to register has been triggered under subsection 1-A, paragraph A, B or C, that person shall register as a 10-year registrant or a lifetime registrant, whichever is applicable, with the bureau by June 1, 2005, unless sooner notified in writing of a duty to register under subsection 1-A, paragraph A, B or C by the bureau, the department or a law enforcement officer, in which case the person shall register with the bureau within 10 days of notice.

3. Transfer of initial registration information to bureau and FBI. The department, county jail, state mental health institute or court within 3 days of receipt of the information described in subsection 2 shall forward the information to the bureau. If the court orders the ~~sex offender or sexually violent predator~~ registrant 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 agency having jurisdiction where the ~~sex offender or sexually violent predator~~ registrant expects to be domiciled and transmit the information to the FBI for inclusion in the national FBI sex offender database.

4. Verification. During the period a ~~sex offender or sexually violent predator~~ registrant is required to register, the bureau shall verify a ~~sex offender's or sexually violent predator's~~ registrant's domicile. The bureau shall verify the domicile of a ~~sex offender~~ 10-year registrant on each anniversary of the ~~sex offender's~~ 10-year registrant's initial registration date and shall verify a ~~sexually violent predator's~~ lifetime registrant's domicile every 90 days after that ~~sexually violent predator's~~ lifetime registrant's initial registration date. Verification of the domicile of a ~~sex-~~

~~offender~~ 10-year registrant or ~~sexually violent predator~~ a lifetime registrant occurs as set out in this subsection.

A. At least 10 days prior to the required verification date, the bureau shall mail a nonforwardable verification form to the last reported mailing address of the ~~sex offender or sexually violent predator~~ registrant.

B. The verification form must state that the ~~sex offender or sexually violent predator~~ registrant still resides at the address last reported to the bureau.

C. The ~~sex offender or sexually violent predator~~ registrant shall take the completed verification form and a photograph to the law enforcement agency having jurisdiction within 10 days of receipt of the form.

D. The law enforcement agency having jurisdiction shall verify the ~~sex offender's or sexually violent predator's~~ registrant's identity, have the ~~sex offender or sexually violent predator~~ registrant sign the verification form, take the ~~sex offender's or sexually violent predator'~~ registrant's fingerprints, complete the law enforcement portion of the verification form and immediately forward the fingerprints, photograph and form to the bureau

5. Change of domicile, place of employment or college or school being attended. A ~~sex offender or sexually violent predator~~ registrant shall notify the bureau in writing of a change of domicile, place of employment or college or school being attended within 10 days after that change.

A. If the ~~sex offender or sexually violent predator~~ registrant establishes a new domicile, 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 ~~sex offender or sexually violent predator~~ registrant was formerly domiciled, employed or enrolled and the law enforcement agency having jurisdiction where the ~~sex offender or sexually violent predator~~ registrant is currently domiciled, employed or enrolled.

B. If the ~~sex offender or sexually violent predator~~ registrant establishes a domicile, 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 ~~sex offender or sexually violent predator~~ registrant was formerly domiciled, employed or enrolled and the law enforcement agency having jurisdiction where the ~~sex offender or sexually violent predator~~ registrant is currently domiciled, employed or enrolled.

For purposes of registration requirements pursuant to this subchapter, convictions that result from or are connected with the same act or result from offenses committed at the same time are considered as one conviction.

Sec. B-6. 34-A MRSA §11223 is amended to read:

§11223. Duty of person establishing domicile to register

A person required under another jurisdiction to register pursuant to that jurisdiction's sex offender registration statute or, ~~who is convicted and sentenced of a sex offense or sexually violent offense that would require registration in this State~~ if not so required, who has been convicted and sentenced for an offense that includes the essential elements of a sex offense or sexually violent offense, shall register as a ~~sex offender~~ 10-year registrant or ~~sexually violent predator~~ lifetime registrant, whichever is applicable, within 10 days of establishing domicile in this State. The person shall contact the bureau, which shall provide the person with the registration form and direct the person to take the form and a photograph of the person to the law enforcement agency having jurisdiction. The law enforcement agency shall supervise the completion of the form, take the person's fingerprints and immediately forward the form, photograph and fingerprints to the bureau.

Sec. B-7. 34-A MRSA §11224 is amended to read:

§11224. Duty of person employed or attending college or school to register

A person who is required under another jurisdiction to register pursuant to that jurisdiction's sex offender registration statute because the person is domiciled in another state or, ~~who is convicted and sentenced of a sex offense or sexually violent offense that would require registration in this State~~ if not so required, who has been convicted and sentenced for an offense that includes the essential elements of a sex offense or sexually violent offense, shall register as a ~~sex offender~~ 10-year registrant or ~~sexually violent predator~~ lifetime registrant, whichever is applicable, within 10 days 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 or beginning college or school on a full-time or part-time basis in this State. The person shall contact the bureau, which shall provide the person with a registration form and direct the person to take the form and a photograph of the person to the law enforcement agency having jurisdiction. The law enforcement agency shall supervise the completion of the form, take the person's fingerprints and immediately forward the form, photograph and fingerprints to the bureau.

Sec. B-8. 34-A MRSA §11225 is amended to read:

§11225. Duration of registration

1. ~~Sex offender~~ 10-year registrant. A ~~sex offender~~ person coming within the definition of a 10-year registrant shall register for a period of 10 years from the initial date of registration pursuant to this chapter, except that a ~~sex offender~~ 10-year registrant required to register because ~~the sex offender~~ that registrant established a domicile in this State subsequent to being ~~declared a~~

~~sex offender~~ required to register ~~in another state or under another~~ ~~jurisdiction~~ pursuant to another jurisdiction's sex offender registration statute for a period of years other than life shall register for a maximum of 10 years from the date when ~~the sex offender~~ that registrant was first required to register in the other ~~state or under another~~ jurisdiction. A ~~sex offender~~ person coming within the definition of a 10-year registrant who has been sentenced from June 30, 1992 to September 17, 1999 shall register for a period of 10 years, to be calculated as follows.

A. If the ~~sex offender~~ 10-year registrant was sentenced to a wholly suspended sentence with probation or to a punishment alternative not involving imprisonment, the 10-year period is treated as having begun at the time the person commenced an actual execution of the wholly suspended sentence or at the time of sentence imposition when no punishment alternative involving imprisonment was imposed, unless the court ordered a stay of execution, in which event the 10-year period is treated as having begun at the termination of the stay.

B. If the ~~sex offender~~ 10-year registrant was sentenced to a straight term of imprisonment or to a split sentence, the 10-year period is treated as having begun at the time of discharge or conditional release.

C. If the ~~sex offender~~ 10-year registrant was committed under Title 15, section 103, the 10-year period is treated as having begun at the time of discharge or conditional release under Title 15, section 104-A.

D. If the ~~sex offender's~~ 10-year registrant's duty to register has not yet been triggered, the 10-year period will commence upon registration by the person in compliance with section 11222, subsection 1-A, paragraphs A, B or C.

2. ~~**Sexually violent predator**~~ **Lifetime registrant.** A ~~sexually violent predator~~ person coming within the definition of a lifetime registrant who has been sentenced on or after June 30, 1992 shall register for the duration of ~~the sexually violent predator's~~ that registrant's life. A person who has established a domicile in this State subsequent to being required to register pursuant to another jurisdiction's sex offender registration statute for a lifetime or who is a person coming within the definition of a lifetime registrant shall register for the duration of the registrant's life.

2-A. Periods when domiciled outside Maine. Notwithstanding subsections 1 and 2, the bureau may suspend the requirement that a 10-year registrant or lifetime registrant register during any period in which the registrant leaves the State, establishes a domicile in another state and remains physically absent from the State.

3. Periods of incarceration or civil confinement. Notwithstanding subsections 1 and 2, the bureau may suspend the requirement that a ~~sex offender or sexually violent predator~~ 10-year registrant or lifetime registrant register during periods of incarceration or civil confinement.

4. Relief from duty to register. If the underlying conviction for a sex offense or sexually violent offense is reversed, vacated or set aside, or if the registrant is pardoned for the offense, registration or continued registration as a ~~sex offender or sexually violent predator~~ 10-year registrant or lifetime registrant is no longer required.

Sec. B-9. 34-A MRSA §11226 is amended to read:

§11226. Fee

The bureau may charge a $~~25~~ 35 annual fee to persons required to register under this chapter. ~~Sex offenders or sexually violent predators~~ Registrants shall pay the fee at the time of initial registration and shall pay the fee on each anniversary of their initial registration.

The fee must be credited to the General Fund and the Highway Fund in an amount consistent with currently budgeted appropriations and allocations~~.~~, except that the local law enforcement agency that takes and processes the offender's fingerprints and picture must receive $10 of the total annual $35 fee.

Sec. B-10. 34-A MRSA §11227 as amended by PL 2003, c. 452, §S-1 is amended to read:

1. Failure to register or update information. A ~~sex offender or sexually violent predator~~ registrant who fails to register or update the information required under this chapter commits a Class D crime.

2. Failure to register or update information; 2nd offense. A ~~sex offender or sexually violent predator~~ registrant who has one prior conviction for failure to register or update the information required under this chapter commits a Class D crime.

3. Failure to register or update information; 3rd or subsequent offense. A ~~sex offender or sexually violent predator~~ registrant who fails to register or update the information required under this chapter when the ~~sex offender or sexually violent predator~~ 10-year registrant or lifetime registrant has 2 or more prior convictions in this State for violation of this chapter commits a Class C crime.

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

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

6. Affirmative defense. It is an affirmative defense that the failure to register or update information resulted from just cause, except that ~~sex offenders or sexually violent predators~~

10-year registrant's or lifetime registrant's conditional release is limited, if any; and

D. The status of the ~~sex offender or sexually violent predator~~ registrant when released as determined by the risk assessment instrument, the ~~offender's or predator's~~ registrant's risk assessment score, a copy of the risk assessment instrument and applicable contact standards for the ~~offender or predator~~ registrant.

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

Sec. B-13. 34-A MRSA §11255 is amended to read:

§11255. Public notification

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

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

Sec. B-14. 34-A MRSA §11256 is amended to read:

§11256. Risk assessment assistance

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

B-15. Retroactivity. Part B of this Act applies retroactively to June 30, 1992.

PART C

Sec. C-1. Research and report regarding potential offenders. The Department of Behavioral and Developmental Services, the Department of Human Services, the Department of Corrections and the Department of Public Safety, in cooperation with the Child Abuse Action Network, shall:

A. Identify the subpopulation of potential offenders or young persons at risk for offending because they have been sexually abused or face a significant mental health disability, with recognition of the fact that over 95% of sex offenders are male;

B. Identify the types of prevention and treatment currently known to work with these young persons;

C. Coordinate prevention and education efforts with the goal of seeking coordinated services to transition at-risk youth to healthy adulthood; and

D. Report findings to the joint standing committees of the Legislature having jurisdiction over health and human services and criminal justice and public safety issues no later than January 30, 2005.

Sec. C-2. Review and report of registerable sex offenses. The Criminal Law Advisory Commission shall:

A. Review the Sex Offender Registration and Notification Act of 1999, as amended, to identify all crimes of gross sexual assault and unlawful sexual contact that currently do not require any registration;

B. Assess whether the current Maine crimes listed as sex offenses and sexually violent offenses are appropriate under the Federal Guidelines for the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, as amended; and

C. Report its findings and any proposed changes to the Joint Standing Committee on Criminal Justice and Public Safety by March 1, 2004.

SUMMARY

This bill is the recommendation of the Commission to Improve Community Safety and Sex Offender Accountability, which was created pursuant to Resolve 2003, chapter 75. The commission was established to provide a legislative forum to review criminal sentencing laws for sex crimes and to review sex offender registration and notification laws and policies. The purpose of this commission's review was to take a thoughtful and comprehensive look at Maine's sex offender laws and to identify areas in which immediate legislative and policy change is necessary to increase community safety. The bill does the following.

1. It increase the classification of sex crimes committed against children who have not attained 12 years of age. Without imposing minimum mandatory sentences, the commission recommends providing courts, where victims are under 12 years of age, with an increased potential range of penalties by increasing by one class the following crimes:

a. Unlawful sexual contact: 17-A MRSA, §255-A, sub-§1, ¶E (Class C crime) and ¶F (Class B crime);

b. Visual sexual aggression against a child: 17-A MRSA, §256 (Class D crime);

c. Sexual misconduct with a child under 14 years of age: 17-A MRSA, §258 (Class D crime);

d. Solicitation of child by computer to commit a prohibited act: 17-A MRSA, §259 (Class D crime);

e. Violation of privacy: 17-A MRSA, §511, sub-§1, ¶D (Class D crime);

f. Sexual exploitation of minors: 17 MRSA, §2922, sub-§1, ¶¶A and B (Class B crimes);

g. Dissemination of sexually explicit materials: 17 MRSA, §2923 (Class B or C crime); and

h. Possession of sexually explicit materials: 17 MRSA, §2924 (Class C or D crime).

2. It allows courts to have the option to impose a sentence of imprisonment in excess of 20 years, based upon the fact that the victim is under 12 years of age, for the Class A crimes of crimes of gross sexual assault (17-A MRSA, section 253, sub-1, ¶B) and repeat sexual exploitation of minors (17 MRSA, section 2922, subsection 1, paragraph A-1 and paragraph C).

3. It increases the period of probation for persons convicted of sex crimes committed against children who have not attained 12 years of age. Without imposing minimum mandatory sentences, the bill provides courts, where victims are under 12 years of age, with an increased potential range of penalties by increasing periods of probation for persons convicted under 17-A MRSA, Chapter 11 (Sexual Assaults) or17 MRSA, Chapter 93-B (Sexual Exploitation of Minors) as follows:

a. For a person convicted of a Class A crime, a period of probation not to exceed 18 years;

b. For a person convicted of a Class B crime, a period of probation not to exceed 12 years; or

c. For a person convicted of a Class C crime, a period of probation not to exceed 6 years.

4. It allows the court to have the option to impose a sentence of probation of up to 18 years based upon the fact that the defendant was convicted of gross sexual assault after having been previously convicted and sentenced for a Class B or Class C crime of unlawful sexual contact.

5. It renames “dangerous sexual offender” defined in 17-A MRSA, §1252, sub-§4-B, as “repeat sexual assault offender.”

6. It allows courts to have the option to impose a sentence of imprisonment in excess of 20 years, based upon the fact that the defendant was convicted of gross sexual assault after having been previously convicted and sentenced for a Class B or Class C crime of unlawful sexual contact.

7. It renames the current Sex Offender Registration and Notification Act (SORNA) of 1999 registration categories “sexually violent predators” and “sex offenders” to “lifetime -year registrants.”

8. It moves Class D or Class E offenses that currently require lifetime registration as "sexually violent predators" under the SORNA of 1999 to 10-year registration for "sex offenders."

9. It makes technical drafting changes to the SORNA of 1999, including:

a. Adding to the list of registerable offenses the former crime of rape, restoring the former crimes of unlawful sexual contact and solicitation of child by computer to commit a prohibited act and moving from the definition of "sex offense" to "sexually violent offense" the crimes of unlawful sexual contact that involve penetration;

b. Making registration requirements consistent by removing from the crime of "kidnapping" the defense that the actor is a parent, which is consistent with the crime of criminal restraint for purposes of sex offender registration; and

c. Defining the terms "another state," "registrant," "jurisdiction," and "tribe" to be more consistent with federal law.

10. It authorizes Maine to suspend the requirement that a sex offender or sexually violent predator register during any period in which the registrant leaves the State, establishes a domicile in another state and remains physically absent from the State.

11. It increases from $25 to $30 the sex offender and sexually violent predator fee for initial registration and annual renewal registration.

12. It makes all changes to the Sex Offender Registration and Notification Act of 1999 retroactive to June 30, 1992.

13. It directs the Department of Behavioral and Developmental Services, the Department of Human Services, the Department of Corrections and the Department of Public Safety, in cooperation with the Child Abuse Action Network, to:

a. Identify the subpopulation of potential offenders or young persons at risk for offending because they have been sexually or physically abused or face a significant mental health disability, with recognition of the fact that over 95% of sex offenders are male;

b. Identify the types of prevention and treatment currently known to work with these young persons;

c. Coordinate prevention and education efforts with the goal of seeking coordinated services to transition at-risk youth to healthy adulthood; and

d. Report findings to the joint standing committees of the Legislature having jurisdiction over health and human services and criminal justice and public safety issues.

14. It directs the Criminal Law Advisory Commission to

a. Review the Sex Offender Registration and Notification Act of 1999 to identify all crimes of gross sexual assault and unlawful sexual contact that currently do not require any registration;

b. Assess whether the current Maine crimes listed as sex offenses and sexually violent offenses are appropriate under the Federal Guidelines for the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, as amended; and

c. Report its findings and any proposed changes to the Joint Standing Committee on Criminal Justice and Public Safety by March 1, 2004.

15. It refers back to the Joint Standing Committee on Criminal Justice and Public Safety the issue regarding the 10-day time requirement in which a sex offender must verify registration information or a change in registration information with the State Bureau of Identification as described in LD 617, An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register.

PROPOSED LEGISLATION
COMMISSION TO IMPROVE COMMUNITY SAFETY AND SEX OFFENDER ACCOUTNABILITY

TITLE: AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMISSION TO IMPROVE COMMUNITY SAFETY AND SEX OFFENDER ACCOUNTABILITY REGARDING PUBLIC NOTIFICATION BY LAW ENFORCEMENT

Sec. 1. 25 MRSA §2803-B, sub-§1, ¶H, as amended by PL 2003, c. 370, §1, is further amended to read:

H. Criminal conduct engaged in by law enforcement officers;

Sec. 2. 25 MRSA §2803-B, sub-§1, ¶I, as enacted by PL 2003, c. 370, §2, is amended to read:

I. Death investigations, including at a minimum the protocol of the Department of the Attorney General regarding such investigations~~.~~; and

Sec. 3. 25 MRSA §2803-B, sub-§1, ¶J is enacted to read:

J. Public notification regarding persons in the community required to register under Title 34-A,chapter 15.

Sec. 4. 25 MRSA §2803-B, sub-§§2 and 3, as amended by PL 2003, c. 370, §3, are further amended to read:

2. Minimum policy standards. The board shall establish minimum standards for each law enforcement policy no later than June 1, 1995, except that policies for expanded requirements for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be established no later than January 1, 2003 ~~and~~, policies for death investigations under subsection 1, paragraph I must be established no later than January 1, 2004 and policies for public notification regarding persons in the community required to register under Title 34-A, chapter 15 must be established no later than January 1, 2005.

3. Agency compliance. The chief administrative officer of each law enforcement agency shall certify to the board no later than January 1, 1996 that the agency has adopted written policies consistent with the minimum standards established by the board pursuant to subsection 2, except that certification to the board for expanded policies for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be made to the board no later than June 1, 2003 ~~and~~, certification to the board for adoption of a death investigation policy under subsection 1, paragraph I must be made to the board no later than June 1, 2004 and certification to the board for adoption of a public notification policy under subsection 1, paragraph J must be made to the board no later than June 1, 2005. This certification must be accompanied by copies of the agency policies. The chief administrative officer of each agency shall certify to the board no later than June 1, 1996 that the agency has provided orientation and

training for its members with respect to the policies, except that certification for orientation and training with respect to expanded policies for domestic violence under subsection 1, paragraph D must be made to the board no later than January 1, 2004 ~~and~~, certification for orientation and training with respect to policies regarding death investigations must be made to the board no later than January 1, 2005 and certification for orientation and training with respect to policies regarding public notification must be made to the board no later than January 1,2006.

Sec. 5. Model sex offender public notification policy for law enforcement. The Board of Trustees of the Maine Criminal Justice Academy shall add to the list of mandatory law enforcement policies with respect to which agencies must report their implementation and training, pursuant to the Maine Revised Statutes, Title 25-A, section 2803-B, the model sex offender public notification policy drafted by the Maine Chiefs of Police Association in cooperation with sexual assault response teams and sexual assault crisis centers.

SUMMARY

This bill is the recommendation of the Commission to Improve Community Safety and Sex Offender Accountability, established pursuant to Resolve 2003, chapter 75.

This bill requires law enforcement agencies to adopt a written policy regarding public notification of persons in the community required to register under the Sex Offender Registration and Notification Act of 1999. This bill requires the Board of Trustees of the Maine Criminal Justice Academy to use the model policy developed by the Maine Chiefs of Police Association, in cooperation with sexual assault response teams and sexual assault crisis centers.

APPENDIX D

Presentation by Dr. Sue Righthand

PEOPLE WHO COMMIT SEX OFFENSES

Sue Righthand, Ph.D.
September, 2003

WHAT IS SEXUAL ABUSE?

Deriving one's sexual pleasure from someone else against the person's will or consent

- **Physically**
- **Visually**
- **Verbally**

(Adapted from Anechiarico, 2000)

COERCION

- Manipulations (e.g., enticements, bribes, grooming with love and attention)
- Threats of harm
- Force (e.g., physical restraints, alcohol or drugs)
- Violence (instrumental or expressive)

SEXUAL CRIMES

- Oral, genital, anal penetration
- Genital fondling
- Assaults involving breasts
- Voyeurism
- Exhibitionism
- Obscene telephone calls
- Child pornography

ADULTS WHO SEXUALLY OFFEND

- Predominately males
- May offend into late adulthood
- Most do not commit their offense impulsively
- Generally are known to their victim
- Most are without significant psychopathology

THERE IS NO PROFILE

HETEROGENOUS: SIMILARITIES & DIFFERENCES

- **Offending behaviors & motivations**
- **Offense histories (sexual & nonsexual)**
- **Child maltreatment histories**
- **Family factors**
- **Social relationships and skills**
- **Cognitive abilities**
- **Academic & vocational functioning**
- **Clinical symptoms and disorders**
- **Sexual knowledge, experiences, & arousal**

TYPOLOGIES & CLASSIFICATIONS

- No empirically accepted profile/s or typologies
- Limited research, esp. with juveniles & women
- Knight & Prentky (e.g., 1990, 1994) developed a theoretically and empirically driven typologies of adult child molesters and rapists

DISTIGUISHING CHARACTERISTICS

- Age of victim preference
- Social competence
- Amount/meaning of contact
- Level & meaning of force/violence
- Nonsexual criminal behavior
- Psychological characteristics (esp. psychopathy)
- Paraphilias

PARAPHILIAS

- Recurrent, intense sexually arousing fantasies, sexual urges, or behaviors
  - Children or nonconsenting partners
  - Suffering or humiliation of oneself or partner
  - Nonhuman objects
- Over a period of at least 6 months
- Obligatory for erotic arousal <u>or</u> episodic

DSM-IV-TR (2000)

PEDOPHILIA

DSM-IV-TR (2000)

- Activities: Fantasies; undressing & looking; gentle touching/fondling; fellatio; cunnilingus; or penetration (finger, object, or penis) involving a prepubescent child (generally age 13 or younger)
- Victim gender preference: Sometimes both:
  - Girls (usually prefer ages 8-10)
  - Boys (preference is slightly older)
- Types: Exclusive & Nonexclusive (children & adults)
- Onset: Most adolescence, some middle-aged
- Course: Disorder usually chronic, especially for those attracted to boys. Often fluctuates with psychosocial stress.

NOT ALL SEX OFFENDERS HAVE SEXUAL DISORDERS

- **Only 27% of a mixed sample of child molesters (1,113 intra & extra familial) evidenced sexual arousal to children through phallometric testing** (Seto & Lalumiere, 2001)
- **Approximately 1/3 (30-42%) of men with one or two child victims evidenced sexual arousal to children through phallometric testing.** (Blanchard et al., 2001)
- **Nearly 2/3 (61%) of men with three or more extrafamilial child victims evidenced sexual arousal to children** (Blanchard et al., 2001)

WHY SEXUALLY OFFEND?

- No clear answers or accepted theory
- Seemingly relevant factors vary with age, gender, and individual characteristics and circumstances
- Limited controlled studies provide some support for some factors, although particularly with adult offenders.
- Existing studies frequently have mixed results
- Multiple pathways

POSSIBLE CONTRIBUTORS

- **Attachment/intimacy deficits**
- **Social competence deficits**
- **Sexualized environments/culture**
- **Antisocial attitudes and beliefs**
- **Psychopathy**
- **Substance abuse**
- **Persistent, recurrent deviant sexual arousal**

Ward, Marshall, & Hudson, 1996; Ford and Linney, 1995; Wieckowski et al., 1996; Knight & Prentky, 1993;, Hart & Hare, 1997; Firestone et al., 1999; Hanson & Bussiere, 1998; Knight & Sims-Knight, in press, Abel et al., 1988, O'Connell, 2000; Marshall et al, 1991.

OTHER POTENTIALLY RELEVANT FACTORS

- **Loneliness:** Related to poor attachments & intimacy deficits
- **Self-esteem:** Although not directly linked with recidivism, may be indirectly related though difficulties in social relationships, sexual functioning, and other areas of social competence
- **Dysfunctional coping:** Related to increased deviant sexual fantasies and sexual offending
- **Hormonal and brain dysfunction:** Unclear

(Ward, Hudson, & Marshall, 1996; Fernandez, Anderson, & Marshall, 1999, Marshall, Anderson, & Champagne, 1996; Looman, 1999; Pithers, Beal, Armstrong,& Petty, 1989; Quinsey & Lalumière, 1996)

SEVERE & COMPLEX HISTORY OF SEXUAL ABUSE

- **Some support with juveniles**
  (e.g., Burton, 2000; Righthand, Knight, & Prentky, 2002)
- **Approximately 30% adult sex offenders had child sexual abuse histories; those who abuse boys have higher rates**
  (Becker & Murphy, 1998)

Merrill, Thomsen, Gold, & Milner, 2001

- 3 samples of Navy recruits (N = 7,850); relation between a history of childhood physical or sexual abuse and pre-military rape of women
- 11.3%, 11.6%, & 9.9% of men in 3 samples reported pre-military rape
- CPA & CSA predicted rape in all 3 samples (independently and additively); men who experienced both (CSA & CPA) had the highest risk of rape

SUBSTANCE ABUSE

- Stimulates Libido
- Disinhibits
- Impairs Judgment
- Impairs Cognitive Functioning
- Stimulates Aggressiveness
- May Produce Sexual Dysfunction
- Impairs Social and Marital Relationships

Adapted from Langevin & Lang by Geffner (1998)

ALCOHOL ABUSE

- Approximately 30% sexual assaults involve alcohol (Greenfeld, 1998)
- Alcohol use may increase the likelihood that someone already predisposed to commit a sexual assault will act upon those impulses.

Center for Sex Offense Management (2000)

ADULT SEXUAL RECIDIVISM BASE RATES

Incest	4-10%*		8%***
Rapist	7-35%*	19%**	17%***
Child Molester Female victims	10-29%*	13%**	20%***
Child Molester Male victims	13-40%*		↓
Exhibitionists	41-71%*		

* Marshall & Barbaree, 1990
** Hanson & Bussière, 1998
*** Hanson, 2001

REOFFENDING

- Overall relatively low rates of sexual reoffending
- Age differences (Hanson, 2001):
  - Rapists recidivism rates decline with age
  - Extrafamilial child molester rates persist until age 50
  - Incest offender rates appear relatively low across age groups, except for the 18-24 age group which reoffended at a much higher rate (note: small n)
- Victim gender differences (Quinsey, Rice, and Harris, 1995)
  - 18% with extrafamilial female victims recidivated
  - 35% with extrafamilial male victims recidivated
- Higher rates of nonsexual reoffending

SOME DESIST

FACTORS ASSOCIATED WITH REPEAT SEX OFFENDING

SEXUAL FACTORS
- Sexual interest in children (PPG)
- Any deviant sexual preference
- Number of prior sexual offenses
- Any stranger victims
- Any extrafamilial victims
- Any boy victims
- Diverse sex offenses
- Early onset of sex offending

CRIMINAL/ANTISOCIAL LIFESTYLE
- Antisocial personality disorder
- Prior nonsexual criminal offenses

DEMOGRAPHIC
- Age (young)
- Single (never married)

TREATMENT
- Treatment failure/drop-out

(Hanson & Bussière, 1998; n=23,393)

INDIVIDUAL STUDIES OF REPEAT SEX OFFENDERS

- Prior sex offenses
- Deviant arousal
- Sexual preoccupation with children
- Multiple paraphilias
- Penetrating the victim
- Victim gender (unclear)
- Diverse ages/genders
- Verbal threats
- Stranger victim(s)
- Cognitive distortions
- Peer relationship problems
- Lower intelligence
- Social skills deficits
- Impulsivity
- Psychopathy

STABLE-DYNAMIC FACTORS ASSOCIATED WITH RISK

- Attitudes supportive of sex offending
- Less remorse/concern for their victims
- More negative peer influences
- Intimacy problems
- Unemployment (especially for rapists)
- Substance abuse
- Problems with emotional/sexual self-regulation
- Self-perception of "not a risk"
- Problems with self-regulation in general
- More chaotic, antisocial lifestyles
- Lifestyles congruent with sexual deviance

(Hanson & Harris, 2000)

ACUTE DYNAMIC FACTORS

(Hanson & Harris, 2000)

- Increased substance use
- Emotional upset, especially anger
- 17/22 taking sex drive reduction medication recidivated (starting - 8/8, stopping - 4/5)
- Social isolation & interpersonal conflict
- Deterioration in appearance/grooming
- Not avoiding high risk situations
- Minimizing potential for relapse
- Not cooperating with community treatment or supervision

METHODS OF ASSESSMENT

- Record Review
- Structured Clinical Interview/Observations
- Relevant Psychometric Assessment
  - Cognitive
  - Personality
  - Behavioral
  - Sex abuse specific
- Psychophysiological Assessment
- Risk Assessment

POLYGRAPH ASSESSMENTS

- **Psychophysiological assessment**
  - Pretreatment Assessment
  - Monitoring Treatment & Supervision Compliar
    - Risk assessment
    - Treatment planning
- **Concerns** (Cross & Saxe, 2001, National Research Co
  - A lack of controlled studies of polygraphy with sex offenders
  - Serious questions about its validity
  - Accuracy rates are variable
  - Errors with deceptive people may contribute to new offenses
  - Errors with truthful individuals can devastate their lives
  - External vs. internal control

PROBLEMS PREDICTING REOFFENSES

- Research on predicting violence
- Base rate problem
- Detection difficulties
- Evaluator "Thinking Errors"
- Political, social, and psychological pressures
- Inadequate procedures
- Inadequate predictors

RISK ASSESSMENT

- **Clinical Judgment**
  - Unsystematic, experience based
  - Often only slightly better than chance
- **Actuarial Assessment**
  - Estimates risks based on known outcomes
  - Significant improvement in predictive accuracy
  - Most validated with adult incarcerated males
  - May exclude very relevant risk factors
  - Still in it's infancy
- **Empirically-guided (Structured Clinical) Assessment**
  - Improved accuracy over clinical assessment
  - Includes factors empirically associated with risk
  - Allows for consideration of other relevant variables

SEXUAL RECIDIVISM RISK ASSESSMENT INSTRUMENTS

- ADULTS
  - STATIC 99* (Hanson & Thornton, 2000)
  - RRASOR* (Hanson, 1997)
  - SORAG* (Quinsey, Harris, Rice, & Cormier,
  - VASOR* (McGrath & Hoke, 1994)
  - MNSOST-R* (Epperson, Kaul & Huot, 1995)
  - SVR-20** (Boer, Hart, Kropp, Webster, 1997
- JUVENILES
  - J-SOAP-II** (Prentky & Righthand, 2003)
  - ERASOR** (Worling & Curwen, 2000)

*Actuarial based on incarcerated inmates
**Empirically-derived

NOTHING WORKS VS. WHAT WORKS

- **Principles of Effective Treatment** (Andrews, 1994)
  - **Assessment**
    - **Risk (static & dynamic factors)**
    - **Needs (dynamic risk factors)**
    - **Responsivity (style & mode matched to individual)**
  - **Treatment**
    - **Relevant**
    - **Demonstrated effectiveness**
    - **Matched to individual needs & learning styles**

EFFECTIVE INTERVENTIONS

- **Occur in the natural environment, whenever p**
- **Based on behavioral strategies**
- **Multi-modal approaches**
- **The intensity of treatment is at least 100 hours di service over a 3-4 months**
- **Treatment over a year may lead to diminishing returns**
- **Emphasize positive reinforcement for prosocial behavior**
- **Individualized as much as possible**
- **Targets behaviors and dynamic factors that are predictive of future criminal behavior**
- **Medium- to higher-risk offenders benefit most**
- **Treatment matches offender characteristics and learning styles**
- **Aftercare is provided on an as-needed basis**

(Gendreau and Goggin, 1997, pp. 273-274)

TREATMENT EFFECTIVENESS

- Individual studies encouraging
- Meta-analyses
  - 19% treatment completers v. 27% noncompleters; 8% difference (Hall, 1995)
  - 12% treatment completers v. 17% noncompleters; 5% difference (Hanson, et al., 2002)
- Fail to complete treatment has been associated with recidivism (Hanson & Bussiere, 1998)
- Cognitive behavioral and systemic treatments associated with reduce risk (Hall, 1995; Hanson, et al., 2002)

OFFENSE CHAIN

Motivation	Internal Inhibitors	External Inhibitors
	Social/ Emotional Competence	
	Stress Strategies	
	Prosocial Attitudes & Values	
	Victim Empathy	

TREATMENT MODALITIES

- Psycho-educational groups
- Group psychotherapy
- Individual therapy
- Marital/Family therapy
- Multisystemic interventions

MANAGEMENT APPROACHES

- Traditional criminal justice system interventions
- Specialized sex offender supervision
- Sex offender registration
- Community notification
- Civil commitment; lifetime probation

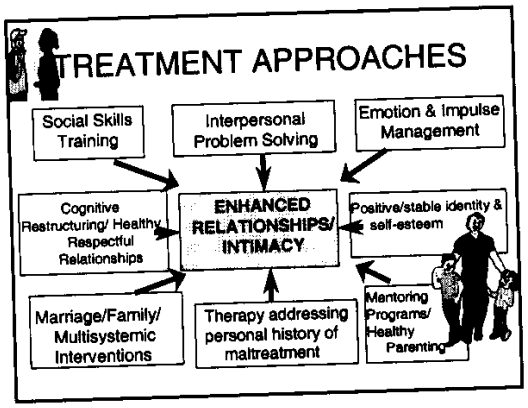
INDIVIDUAL VS. GROUP THERAPY

- No systematic study
- Peer support, confrontation, appropriate models
- Potentially cost-effective
- However, adolescents, especially young adolescents, very susceptible to negative peer influences
  - Must be careful to do no harm
  - Sexually explicit details of offenses and details of violent or nonviolent offending should be avoided in group settings.

TREATMENT APPROACHES

- History of confrontational and punitive approaches
- May involve shaming, replicate abusive environments, inhibit healthy sexuality, & promote an "offender" identity
- Such approaches have been associated with poorer treatment outcomes in general psychotherapy (Lieberman, Yalom, & Miles, 1973); the addiction field (e.g., Miller & Sovereign, 1989); and among sex offenders (Beech & Fordham, 1999)
- Increasingly, experts in the field of sex offense specific treatment are expressing concern that such approaches may do more harm than good (e.g., Marshall et al., 2001)
- Individuals deserve and require appropriate treatment interventions that positively engage individuals and model respectful, prosocial behaviors

TREATMENT APPROACHES



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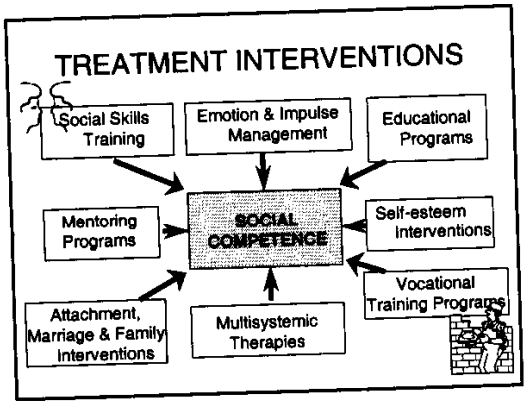

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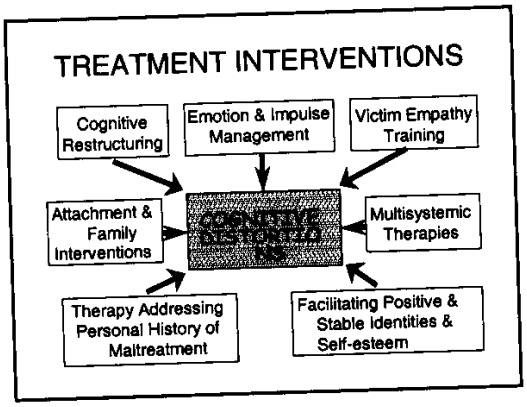

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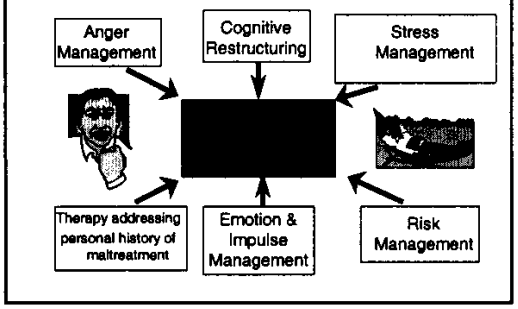

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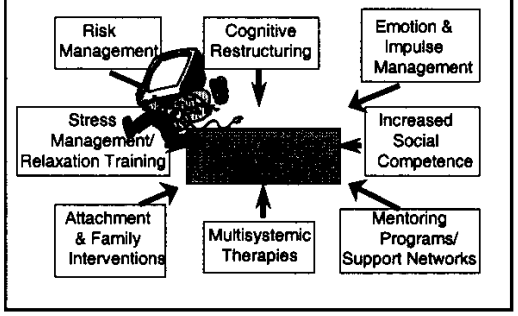

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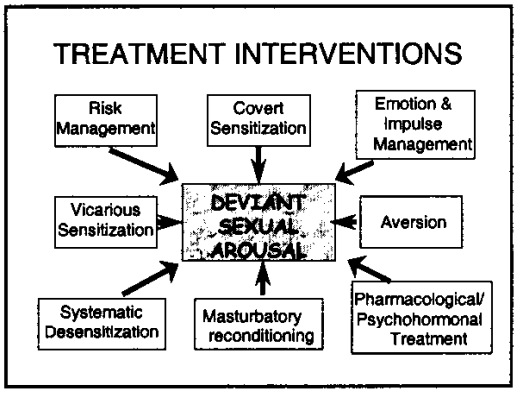

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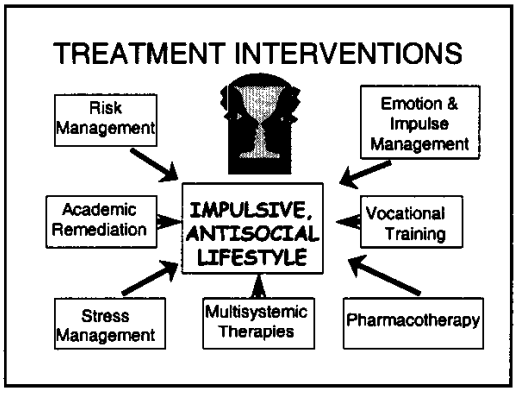

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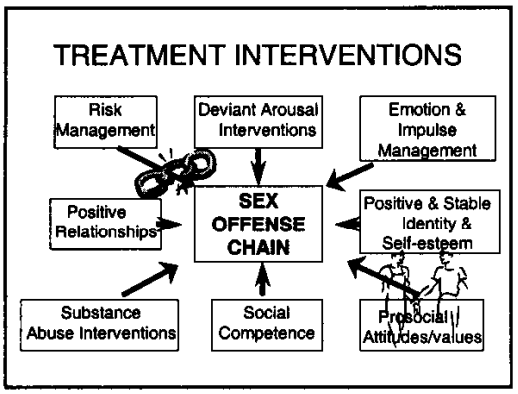

THE GOOD NEWS

- Current interventions appear to make a difference
- Ongoing efforts to further enhance interventions
- Most states have experienced a significant declines in sexual abuse since 1994; up to 30% (Jones & Finkelhor, 2001)
- Prevention and early intervention is essential

APPENDIX E

Summary of Comments from Presentations and Public Hearing

SUMMARY OF COMMENTS FROM PRESENTATIONS AND PUBLIC HEARING

A. PRESENTATIONS

1. **Dr. Sue Righthand**, a psychologist and national expert regarding issues involving sex offenders and their treatment, provided the commission with an overview about how to define different types of sexual abuse, who offends, how offenders are classified or typed, factors that contribute to sexual offending and recidivism, risk assessment tools and treatment modalities. (See Appendix D for Dr. Righthand's complete presentation.)

2. **Dr. Joe Fitzpatrick,** who served on the commission and is a psychologist and Director of Behavioral Health Services at the Department of Corrections, outlined the department's current initiatives and challenges. Dr. Fitzpatrick explained that the department is working on its treatment program for its incarcerated population. However, the department initiative that is in place is not complete. The initiative does not include resources for housing and treatment as part of transitioning. Dr. Fitzpatrick stressed the importance of putting resources into transitioning; if these transition services are not in place, any treatment provided while the offender is incarcerated will make little difference in preventing relapse later.

The department continues to deal with the challenges of community notification and education but is hoping that its new protocol, "Community Notification of Sex Offenders Protocol for Town Meetings," which was drafted by the Commission on Domestic and Sexual Abuse, will provide a more proactive approach for transitioning offenders. In addition to the community notification and education piece, Dr. Fitzpatrick emphasized that there needs to be a network of community providers who are willing to provide services and who are willing to work collaboratively, using up-to-date treatment methods and best practices. When transitioning offenders, it is important to ensure that they obtain the services that they need. Offenders transitioning back into the community need counseling, housing, employment and a strong support network.

3. **Mike Ranhoff,** a licensed polygraph examiner and **Sgt. Doug Parlin,** the Polygraph Examiner Supervisor of the Maine State Police, spoke to the commission about the use of polygraphs for post-conviction sex offenders. Polygraph examinations of sex offenders are conducted through some therapists in Maine and are used to assist the offender and therapist in treatment. Polygraphs are not used to search out new charges to bring against the offender. There are 3 kinds of tests polygraph examiners use for sex offenders. They include the following:

   - <u>Denial and other specific issue tests.</u> These tests are used to verify the details of the offense for which the offender was convicted and are often administered when the offender denies the crime or the offender's version of the offense differs from the victim's version. Specific issue tests are also used to address concerns that may arise during probation (i.e., therapist suspects that offender may be violating condition of probation).

- Disclosure tests. These tests are used to verify the accuracy and completeness of the offender's history.

- Maintenance tests. These tests are used to determine whether a probationer is complying with the conditions of probation, is cooperating with treatment and is not reoffending.

The information collected from these tests is used to develop and modify treatment and supervision. Mr. Ranhoff noted that the tests do not stand alone; ideally, the use of polygraphs is part of a collaborative effort by the polygraph examiner, the therapist and the probation officer. Mr. Ranhoff indicated that he would like to see probation officers more involved; at the very least probation officers should receive reports of the examinations and be aware of what results are coming out of the testing. Mr. Ranhoff stated that Oregon has the best polygraph program for sex offenders. The court orders an examination immediately following the offender's release, and all programs are based on therapeutic purposes. Polygraphs are intended to support the therapists' work with the offenders and to protect the community.

The presentation generated discussion on a number of issues. Those mentioned by commission members included the following.

- The scientific community has reached no agreement about whether sex offenders should be subject to polygraph examinations.

- How do other states ensure that polygraphs are used for therapeutic reasons only and not for brining new prosecutions?

- How do you create an incentive for offenders to be truthful, especially if the offender believes that the probation officer will learn everything from the polygraph?

As a follow-up to some of these issues, Mr. Ranhoff expressed that, even if a waiver exists, people do not always tell the entire truth. Testing helps find the truth and therefore helps in treatment. Mr. Ranhoff also stressed that if polygraph examinations are used, the Department of Corrections and the therapist need to agree upon what to do with the examination information once it is received.

4. **Nancy Dentico and Bud Hall,** probation officers who are Sex Offender Specialists and **Dan Ouellette,** a Regional Correctional Administrator for the Department of Corrections, spoke to the commission about their experience supervising sex offenders in the community. Sex Offender Specialists carry a caseload of approximately 40 probationers. (Originally, under the initial grant creating Sex Offender Specialists, these probation officers had a caseload of about 30.) Contact standards for high risk sex offenders include a minimum of 4 contacts per month – 2 of these must be in person (at the offender's home or the officer's office) and the other 2 may be at the offender's home or with a collateral contact (i.e., therapist). If an offender is identified as an extremely high risk, the officer may see that person 4-5 times per month in that person's home and may

carefully watch that person's conduct on a daily basis. The percentage of persons reoffending while supervised by a Sex Offender Specialist appears to be relatively low, as evidenced by Mr. Hall's previous caseload of 43 probationers of which only 5 had full revocations for new criminal conduct.

Although supervision by Sex Offender Specialists appears to help decrease the recidivism rate, these probation officers can handle only about one half of the sex offender probation population in the State. Adequate supervision of those who are not under the caseload of a Sex Offender Specialist is a concern. Sex Offender Specialists' caseloads are in large part determined by the level of risk of the offender, but assignment is also based on geography and resources. While supervision is a big issue, so is the availability of counseling services. The Sex Offender Specialists indicated that there have been improvements in statewide accessibility of quality therapy and that more therapists are using relapse prevention as an effective therapy technique.

Sex Offender Specialists talk to law enforcement officers regularly about sex offenders in the community. However, probation officers and law enforcement officers often feel constrained from speaking openly to the public about sex offenders. The Sex Offender Specialists explained that notifying a sex offender's neighbors is not going to protect the public from sex offenders; if an offender makes the choice to reoffend, that offender will.

These members of the Department of Corrections made several recommendations about areas that they believe need to be addressed to improve sex offender supervision.

- Clarify contact conditions, especially when a minor is involved. The fact that an offender has a probation condition of no contact with minors but can live at home with his own children is a concern, at the very least, until the offender is in treatment.

- Set reasonable probation conditions and involve probation officers, as well as the court and prosecutors, in the decision making process for setting conditions. Some conditions that are automatic (i.e., "no alcohol") may not be necessary in a case where there is no indication that alcohol was involved. A model with conditions that are reasonable and realistic for a probationer to comply with will more likely ensure success and less chance of reoffending.

- Expand sex offender registration requirements to include crimes like sexual abuse of animals, misdemeanor sex offenses against adults and all types of invasion of privacy.

- Revisit current classifications for "sex offender" and "sexually violent predator" to determine whether lower risk crimes that currently require 90 day verification may be verified annually instead.

- Assess and classify offenders using a risk assessment tool and a team approach that includes the court, the prosecutor, the probation officer or another expert or board trained specifically to do assessments, instead of applying an arbitrary and inconsistent assignment system based only on statute.
- Provide consistent public notification based on public input.

- Reduce duplication of efforts in verification of registration by involving probation officers while a sex offender is under a probation officer's supervision.

- Expand community-policing efforts (i.e., Brunswick has a law enforcement bulletin that circulates up the coast and gives other law enforcement agencies notice of offenders who are in the community).

- Make sex offender treatment a cooperative effort by therapists, law enforcement and probation officers; all parties need to consider community safety, make a relapse prevention plan, provide social skill development and minimize each sex offender's denial.

5. **Lt. Jackie Theriault,** who served as a member of the commission and works in the State Bureau of Identification (SBI) gave the commission a summary of the history of the Sex Offender Registry, the impact of legislative changes on the registry and an update on the status of Internet access to sex offender information.[1] One of the biggest challenges for the SBI is identifying those who are required to register. The Sex Offender Registry and criminal history records system are not connected, and because the system is not automated, there is no way to identify every person who must register.

In early December there were1902 registrants – 1312 active and 590 inactive. Seventy-five percent of registrants are registered as sexually violent predators, and approximately 200 are in violation of the registry. The SBI registers approximately 578 offenders annually, but some are converted from the old registry, and some are new people that now must register. Until the system is fully automated, there is no way to know to what extent the registry will grow.

6. **Lt. Col. Jeff Harmon** of the State Police gave a demonstration of the on-line Sex Offender Registry.

7. **Representative Sean Faircloth,** who served as co-chair of the commission, attended the University of Wisconsin's 19th Annual Midwest Conference on Child Sexual Abuse. States are looking at intensive treatment strategies for both offenders and victims. In addition to treatment practices, people are looking at state laws regarding child abuse. Represetnative Faircloth indicated that, in reviewing states' sentencing laws, the National Council of State Legislatures reported that Maine has the least restrictive penalties for persons who commit sex offenses against prepubescent children.

8. **Dr. Anne LeBlanc,** the Director of the State Forensic Service, provided the commission with written testimony about her agency's post-conviction evaluation process for sex offenders.

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[1] At the time of Lt. Theriault's presentation, the SBI was working to complete Internet access to the Sex Offender Registry. The registry is now available on-line at http://www4.informe.org/sor/index.html.

B. PUBLIC HEARING

In addition to presentations from these experts, the commission held one public hearing at which members heard from other members of the Legislature and many members of the public, including citizens and community leaders from the Augusta area. Persons who testified expressed concerns regarding whether sex offenders receive proper supervision, whether the public receives adequate notice of where sex offenders are residing when they return to the community and whether state agencies are communicating and coordinating their efforts in the treatment and supervision of all sex offenders.

Registrants and family members of registrants also testified and expressed concerns regarding how the statute broadly defines persons who commit very different crimes as either "sex offenders" or "sexually violent predators," who must register for life; the constitutionality of registration requirements; and the challenges offenders and their families face in finding housing and employment and becoming part of their communities.

Specific recommendations that persons who testified asked the commission to consider included the following:

- Require lifetime probation for sex offenders;
- Impose residency restrictions or limitations on sex offenders, including prohibiting sex offenders from living within 1 mile of a school or daycare while on probation;
- Decrease the period of time in which a sex offender has to register or verify registration information with the SBI;
- Restrict the number of times a sex offender may move, so that the system is less likely to lose track of the offender;
- Refuse to allow sex offenders from other states to come to Maine to live;
- Require law enforcement to give details of sex offenses committed when providing notification and be more consistent in notification procedures;
- Require the Department of Corrections to provide pre-release counseling for sex offenders and better support in transitioning sex offenders from prison to the community;
- Prohibit plea agreements in certain sex offense cases;
- Increase the sentences for persons who are convicted of sexual assaults;
- Eliminate different labels for persons; call all who commit sex offenses "sex offenders," notify the public of the crime committed and let people form their own opinions;

- Redefine who is high risk and who is low risk for purposes of registration and notification;
- Allow no “good time” for persons incarcerated for sex offenses; and
- Increase the crime classification and penalties for sex offenses.

APPENDIX F

NCSL Sexual Assault on Child Chart

NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas
7700 East First Place Denver, CO 80230
303/364-7700

Sexual Assault on Child Chart
October 2003

State	Statute	Minimum age of victim	Punishment
Alabama	§ 13A-6-61: 1st degree Rape	Victim under 12, perpetrator over 16	Class A felony Min: 10 Max: 99
Arizona	§13-1423. Violent sexual assault, which can include sexual molestation	Victim under 15	Natural Life sentence
Arkansas	§5-14-103. Rape	Victim under 14	Class Y felony Min: 10 Max: 40 or life
Colorado	§18-3-402. Sexual assault §18-3-405. Sexual assault on a child §18-3-412. Habitual sex offenders against children	Victim under 15 Use of certain forces Habitual offender	Class 4 felony: 2-4 yrs Class 3 felony: 4-8 yrs 3X sentence
Connecticut	§53a-70. Sexual Assault in 1st degree	Penalty varies for victims under 16, 13 and 10 yrs.	Class A felony Min: 10 Max: 25 For a victim under 10, 10 years of sentence may not be suspended or reduced.
Delaware	§ 773. Rape in the first degree.	Victim under 12	Class A felony Min: 15 Max: Life
Florida	§794.011. Sexual battery	Victim under 12	Capital felony Death/Life as authorized by §921.141
Georgia	§16-6-1. Rape	Victim under 10	Punishable by Death, Life, Min: 10, Max: 20
Hawaii	§707-730. Sexual assault in the 1st degree.	Victim under 14	Class A felony
Idaho	§18-6101. Rape	Victim under 18	Min: 1 yr. Max: Life
Illinois	720 ILCS 5/11-6. Indecent solicitation of a	Victim under 17	Class 1 felony Min: 4

	child		Max: 15 Habitual criminal offenders may be sentenced to life
Indiana	§35-42-4-3. Child molesting	Victim under 14	Class A with aggravating factors Fixed term of 30 yeas, no less than 20, no more than 50 yrs.
Iowa	§709.3. Sexual abuse in the second degree.	Victim is under 12	Class B felony Max: 25
Kansas	§21-3502. Rape	Victim under 14	Level 1 person felony
Kentucky	§510.040. 1st degree Rape	Victim under 12	Class A felony Min: 20 yrs. Max: 50 yrs.
Louisiana	§14.42. Aggravated rape	Victim under 12	Death or Life
Maine	Title 17-A §253 Gross sexual assault	Victim under 14	Class A crime Min: none Max: 40 yrs
Maryland	§3-303. Rape in the first degree.	Victim under 16	1st degree felony Max: Life (no parole)
Massachusetts	Chapter 265 § 22A. Rape of child	Victim under 16	Min: any Max: Life
Michigan	§750.520b Criminal sexual conduct in the first degree	Victim under 13	Min: any Max: Life
Minnesota	§609.342 Criminal sexual conduct in the first degree	Victim under 13	Max: 30 yrs. Mandatory minimum of 12 years.
Mississippi	§97-3-95. Sexual Battery	Victim under 14	Min: any Max: 30 yrs.
Missouri	566.032. 1. Statutory Rape in 1st degree	Victim under 12	Min: 10 yrs. Max: Life
Montana	§45-5-502. Sexual assault	Victim under16	Min: 4 yrs Max: Life
Nebraska	28-319 Sexual assault; first degree	Victim under 16 Actor nineteen or Older	Min: 1 yr Max: 50 Second offense Min:25 yrs.
Nevada	200.366 Sexual assault	Victim under 14	Min: 20 yrs. Max Life. If serious injury: Life without parole

New Hampshire	632-A:3 Felonious Sexual Assault	Victim under 13	Min: 10 yrs. Max: 20 yrs. Double for 2nd offense.
New Jersey	2C:14-2 Sexual assault.	Victim under 13	Min: 20; Max: Life
New Mexico	30-9-11. Criminal sexual penetration.	Victim under 13	18 years
New York	. S 130.35 Rape in the first degree	Victim under 11 Or victim under 13 and actor is over 18	Max: 25 yrs.
North Dakota	12.1-20-03. Gross sexual imposition	Victim under 15	Max 10 yrs.
Ohio	§ 2907.05 Gross sexual imposition.	13	Min: 1 yrs. Max: 5 yrs. In addition, Ohio has a 97% mandatory service law, which creates a mandatory minimum for all crimes.
Oregon	163.411 Unlawful sexual penetration in the first degree	12	Determined by the courts.
Pennsylvania	§948.02 1st Degree Sexual Assault of a Child.	Victim is child who has not attained 13 years.	Penalty is imprisonment for not more than 40 years.
Rhode Island	§ 11-37-8.1 1st Degree Child Molestation Sexual Assault.	Victim is 14 years of age or under	Penalty is imprisonment for not less than 20 years and may be imprisoned for life.
South Carolina	§16-3-655 1st Degree Criminal Sexual Conduct (sexual battery)	Victim is less than eleven years of age.	1st degree felony punishable by imprisonment for not more than 30 years, at the discretion of court.
South Dakota	§22-22-1 1st Degree Rape.	Victim is less than 10 years of age.	1st degree felony punishable by 10 years for a first offense and 20 years for a subsequent offense.
Tennessee	§39-13-522 Rape of a Child	Victim is less than 13 years of age.	Rape of a child is a Class A felony punishable by not less than 15 nor more than 25 years.
Texas	22.021. Aggravated Sexual Assault	Victim is younger than 14 or 65 or older	Felony in the 1st degree. Penalty is imprisonment for life or for any term of not more than 99 years or less than 5.

Utah	§76-5-402.1. Rape of a child.	Victim is a child who is under the age of 14.	Rape of a child is a 1st degree felony punishable by imprisonment for no less than 6, 10, or 15 years and which may be for be for life. Imprisonment mandatory.
Vermont	§3242. Aggravated Sexual Assault	Victim is under the age of 10 and the actor is at least 18.	Penalty is maximum sentence of life imprisonment or fine of not more than $50,000 or both.
Washington	§ 9A.44.073 Rape of Child in 1st Degree	Victim is less than 12 and not married to the perpetrator and the perpetrator is at least twenty-four months older than the victim.	Rape of a child in the first degree is a class A felony punishable by 5 years or maximum of at least 20 years.
West Virginia	§61-8B-3. Sexual assault in the 1st degree.	Victim is 11 years old or less and the offender is 14 years old or more.	Sexual assault in the 1st degree is a felony punishable by imprisonment not less than 15 nor more than 35 years.
Wisconsin	§ 948.02 1st Degree Sexual Assault of a Child	Victim has not attained the age if 13.	Class B felony punishable by imprisonment not to exceed 60 years.
Wyoming	§6-2-303. Sexual assault in the second degree.	Victim is less than 12 years of age and the actor is at least 4 years older than the victim.	Sexual assault in the 2nd degree is a felony punishable by imprisonment for not more than 20 years.

APPENDIX G

Survey of Convicted Sex Offenders in the State of Maine

Survey of Convicted Sex Offenders In the State of Maine

Research Department
Justice Resource Institute
Boston, MA

April, 2003

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Appendix I

Coding Dictionary.....

Survey of Convicted Sex Offenders In the State of Maine

Project Assignment

To provide the Maine Department of Corrections with a descriptive profile of the demographic, criminal and risk characteristics of men who have been convicted of sexual offenses. The purpose of this assignment was to assist the Department in the preparation of a solicitation for proposals to provide treatment services for this population.

Strategy for Data Collection

Fifteen Maine-based coders were recruited: eight doctoral students in the Psychology Department at the University of Maine @ Orono, four professional research staff from the Muskie Institute at the University of Southern Maine, and four individuals recommended to us by Dr. Sue Righthand. The first site visit for training purposes was scheduled for Saturday January 25, 2003. Eight members of Justice Resource Institute's Research Department arrived at MCC on Friday and coded approximately 80 files. These initial codings were intended to familiarize us with the files and to anticipate coding problems prior to the training on Saturday. The coders arrived at MCC on Saturday and spent the day going over the dictionary and coding files that had already been coded the previous day by our staff.

Our initial review and coding of files on Friday, our experiences with coding problems that emerged on Saturday, and consultation with Dr. Fitzpatrick around variables that were considered important that we did not want to overlook, such as the Department's Institutional Classification Level, resulted in changes, modifications, and additions to our initial set of variables. A final set of twenty-four (24) variables were chosen that provide reasonable coverage of demographic and criminal history variables that were "treatment relevant," while at the same time providing economy of coding effort. The coding dictionary is included in the Appendix to the report.

In addition to the Department's Institutional Classification Level, we included three risk scales to provide further guidance with respect to the risk posed by these men. These scales were chosen, because they could be easily scored using the variables that had already been coded (i.e., the preceding 21 items), and at least one of the scales (RRASOR) is well-known in the literature as an actuarial risk assessment scale for sex offenders.

The Rapid Risk Assessment for Sexual Offender Recidivism (RRASOR) was developed by Dr. Karl Hanson and his colleagues (Hanson, 1997) and served as a basis for subsequent risk scale development by Hanson and his colleague Dr. David Thornton. The RRASOR is particularly sensitive to risk posed by child molesters. The Screening Scale for Pedophilic Interests (SSPI) was developed by Dr. Michael Seto and his colleagues (Seto and Lalumiere, 2001), and assesses risk posed by pedophiles. Finally, the Rapist Risk Assessment (RRA) is simply a combination of four items selected from the preceding items in the dictionary for this project that we felt might be more sensitive to risk posed by rapists.

A second follow-up visit for training and supervision was conducted on the weekend of February 8-9 at Maine State Prison and Bolduc Correctional Facility. Our research staff met the coders at MSP on Saturday morning and spent the day with them. Although our contract did not permit a formal examination of inter-reliability (i.e., double-coding a random selection of 25% of the cases), we did our best to insure a high degree of reliability. Our coders were dedicated and conscientious, and we are confident that they did a highly commendable job.

Samples

Prison Sample [N = 327]

Files were accessed from the following five prisons:
Maine Correctional Center
Maine State Prison
Bolduc Correctional Facility
Downeast Correctional Center
Charleston Correctional Center

To the best of our knowledge, all sex offender files that were made available to us at those prisons were coded.

Probation Sample [N = 339]

Files were accessed from the following seven probation offices in:
Auburn (Lewiston)
Augusta
Bangor
Biddeford
Portland
Thomaston
Waterville

Assessing the distribution of files made available for coding from the probation offices was more difficult than the task at the prisons. Some offenders were transferred to a different office, and others were returned to prison, requiring careful cross-checking to make sure that we weren't double-coding the same individual. Most of the coded files were from probation officers who were sex offender specialists. Thus, they may not have been representative of the population of sex offenders on probation. Our findings indicated, however, that the probation sample was highly comparable to the prison sample is almost all respects.

Target Samples

Our target samples were 300 prisoners and 350 probationers, for a total sample of 650. This survey includes data on a combined sample of 666: 645 individually coded cases and 21 additional cases used for training.

Findings

A. Demographic Characteristics of the Samples

Age at Incarceration

The age at time of incarceration for the governing sexual offense was coded for all individuals. For the prison sample, the average age at incarceration was 38 (SD = 12), with a range of 19 to 80. For the probation sample, the age at incarceration for their governing sexual offense was almost identical (37, SD = 12).

County of Residence

The samples were highly comparable with respect to county of residence, with most of the individuals coming from three counties: Androscoggin, Cumberland, Kennebec, followed by Penobscot and York. It should be noted that these numbers might be more meaningful if they were reported as proportions of the population (i.e., the number of men from each county relative to the population of that county). It should also be pointed out that it was often difficult to determine the county of residence at the time of the governing offense, resulting in a large number of cases coded as unclear.

Educational Status

We coded the highest grade level that the individual completed.

Slightly over half of the men (51.7% in the prison sample and 50.4% in the probation sample) completed high school or received a GED. An additional 8.6% of the prison sample and 13.6% of the probation completed post-high school education, with 4% and 3% respectively, being college educated. Most importantly, at the lower end of the spectrum, approximately 5% of both samples terminated their education at or before the 7th grade and roughly 1% had less than a 6th grade education. It should be noted, of course, that, for the most part, information about education comes from self-report and was not confirmed. Hence, reports of college education may not always be accurate.

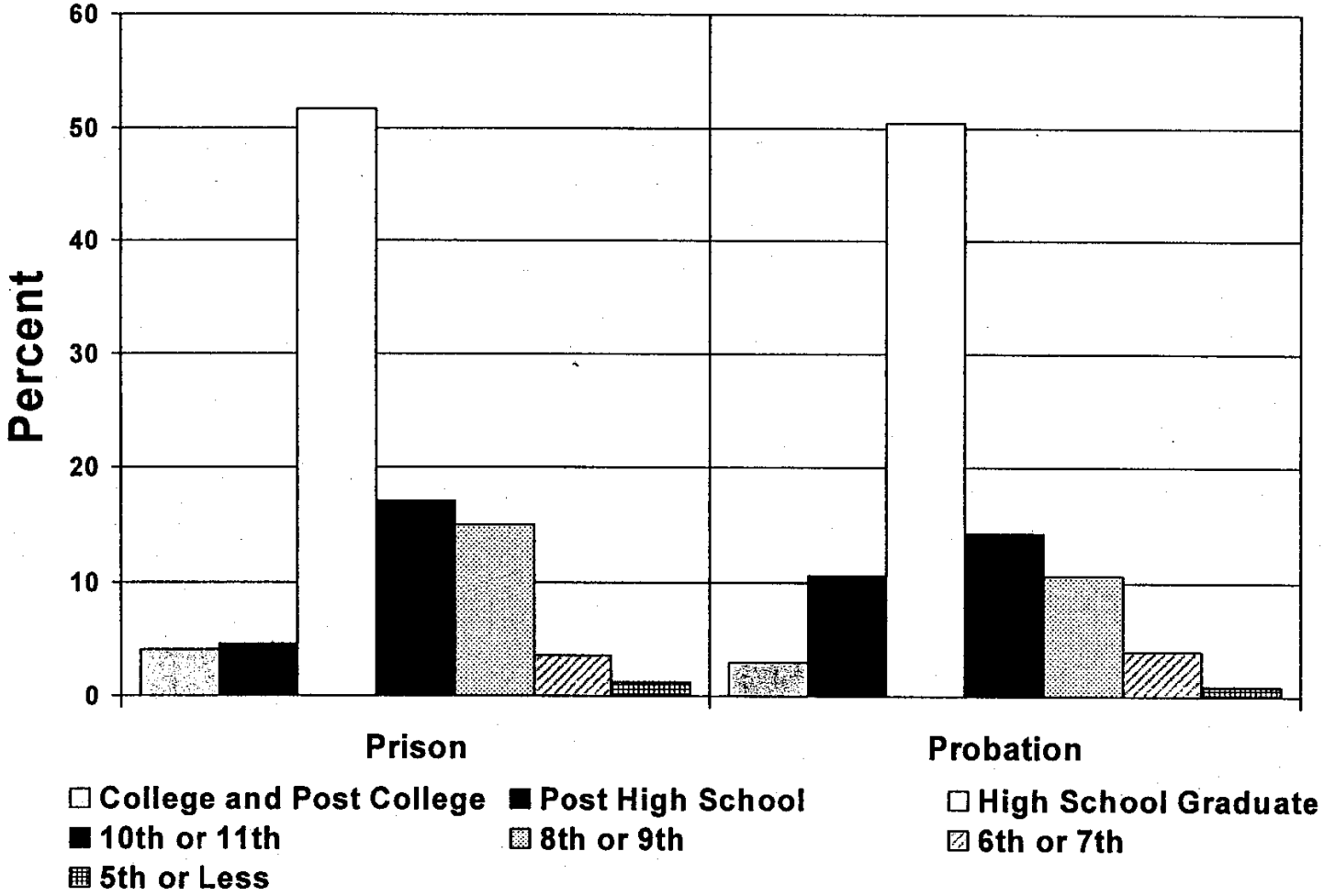
County of Residence

(Frequency)

County	Prison	Probation
Out of State	2	2
Androscoggin	11	14
Aroostook	3	1
Cumberland	13	12
Franklin	2	0
Hancock	3	1
Kennebec	15	31
Knox	4	8
Lincoln	2	2
Oxford	1	2
Penobscot	12	7
Piscataquis	1	0
Sagadahoc	4	1
Somerset	4	6
Washington	3	1
Waldo	2	2
York	6	12

Educational Status

(Last Completed Grade)



Cognitive Functioning

Information obtained in the files did not permit a reliable determination of cognitive functioning (e.g., a reliable WAIS IQ). Thus, we coded this variable conservatively, based only on credible information in the file indicating that the individual had at one time been diagnosed with mental retardation or tested as having "borderline" average intelligence.

Slightly less than 10% of both samples fell into this category (9.8% [32] of the prison sample and 8.8% [30] of the probation sample).

If information existed that suggested possible cognitive deficits (e.g., as a youngster, he repeatedly failed grades or was held back) but no there was no clear evidence of retardation, or there simply was no information at all that addressed the question of cognitive functioning, the case was coded as unclear. One hundred forty-two (142) cases were coded as unclear for this variable.

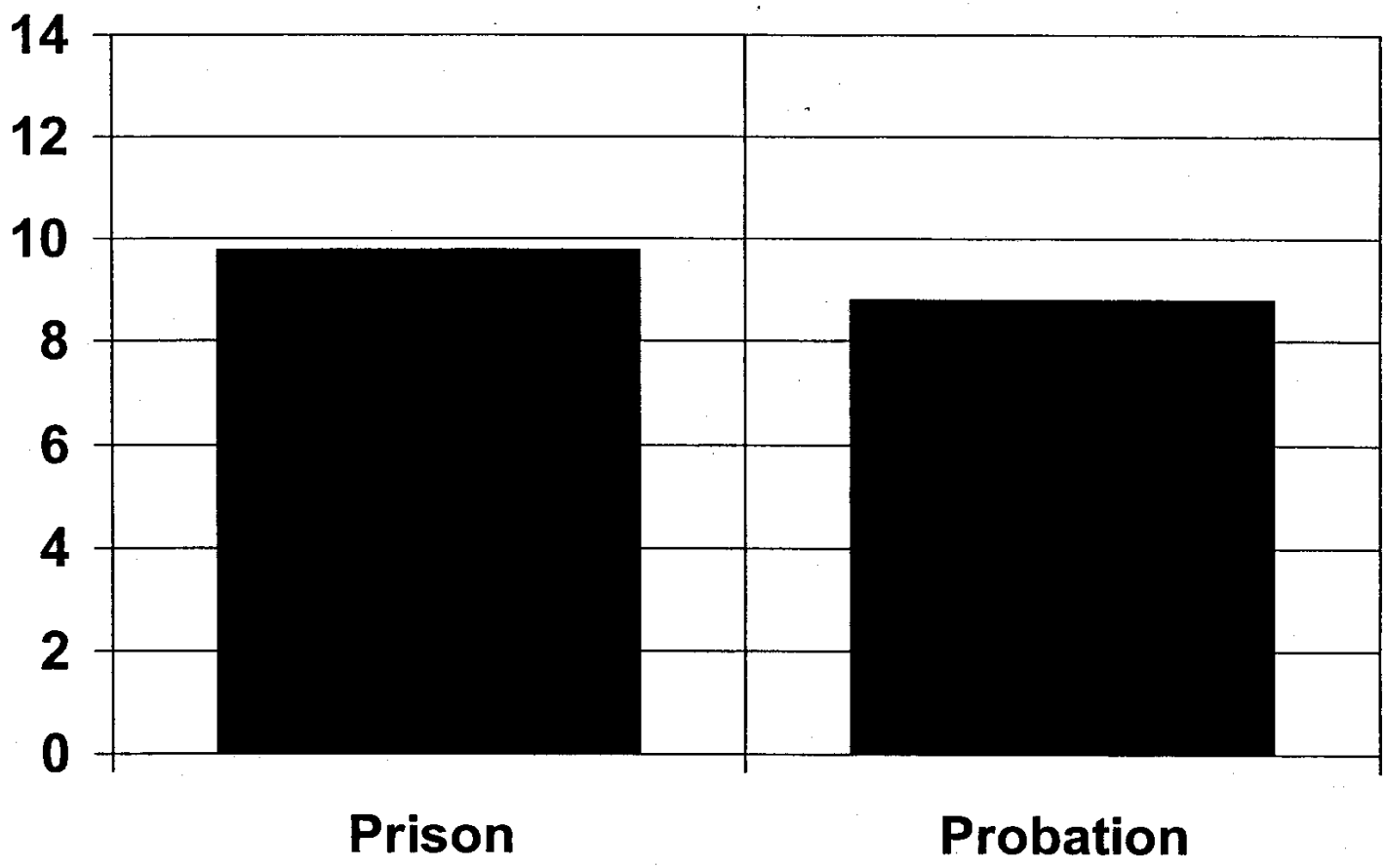
Marital Status

Marital status was coded on a 5-point scale: 0 = single, never married; 1 = married; 2 = separated; 3 = divorced; 4 = widowed.

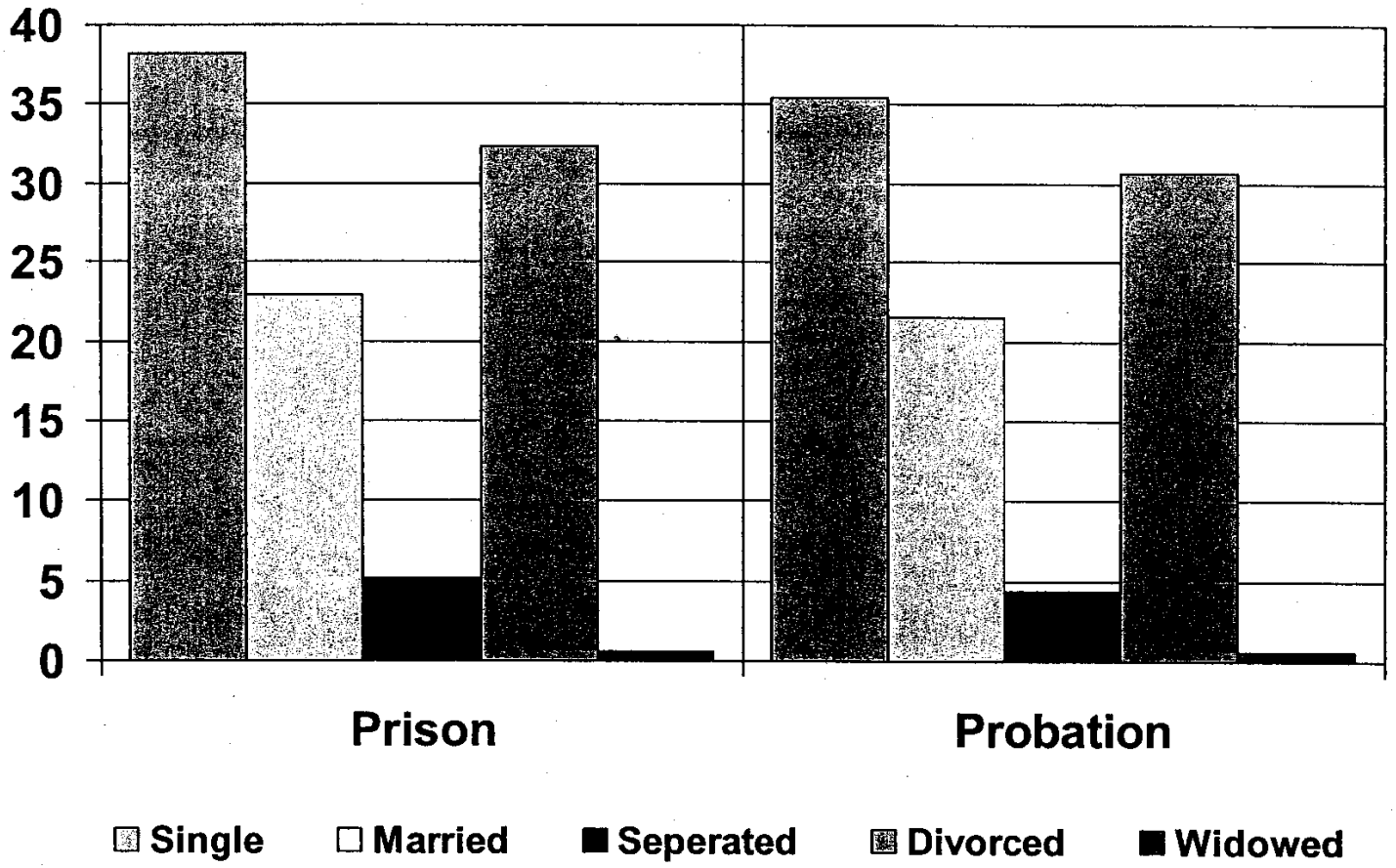
Somewhat over one-third of both samples were single (38.2% of the prison sample and 35.4% of the probation sample), with almost identical proportions of the two samples falling into the other four categories.

Cognitive Functioning

(Percent Deficient)



Marital Status



Major Mental Illness

Similar to the problem with coding cognitive functioning, information obtained in the files often did not permit a reliable determination of a history of major mental illness (schizophrenia, bipolar [manic-depressive illness], or psychotic depression). We only coded this variable as present when there was clear evidence of such a history documented in the file.

In the prison sample, 41 (12.5%) were coded positively for mental illness, compared with 30 (8.8%) in the probation sample. Seventy-seven (77) cases were coded as unclear for this variable.

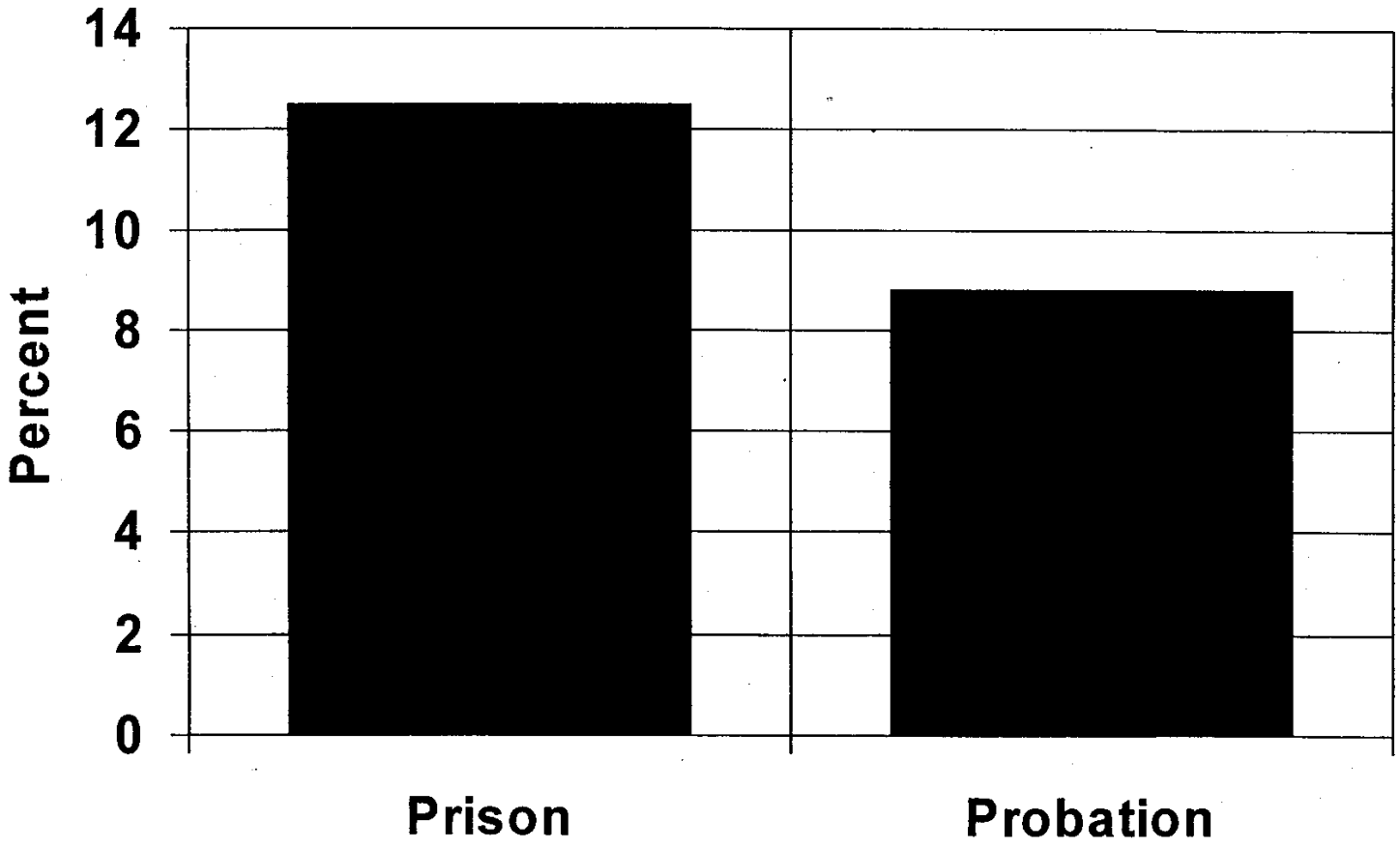
Alcohol and Drug Abuse History

These two variables were coded as present only if there were clear statements referring to a substance use history that was "abusive."

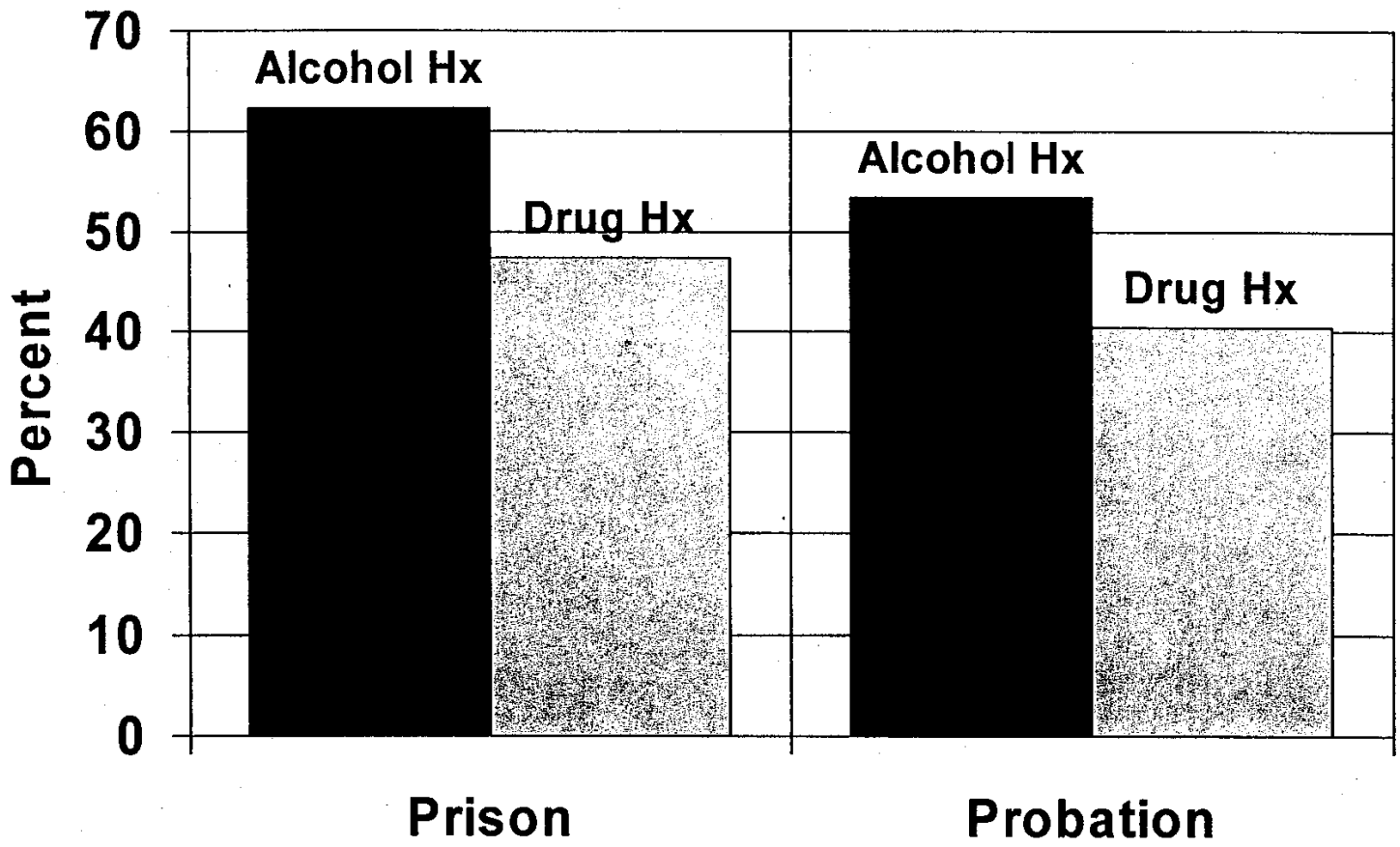
In the prison sample, 62.4% were coded for alcohol abuse [with 28 unclear] and 47.4% were coded for drug abuse [with 27 unclear]. In the probation sample, 53.4% were coded for alcohol abuse [with 17 unclear] and 40.4% were coded for drug abuse [with 14 unclear].

Major Mental Illness

(Percent Present)



Alcohol & Drug History



B. Criminal History

Number of Months to Discharge from Prison

For this variable, we recorded the amount of time in months before the individual is eligible to be discharged from prison.

In the prison sample, the average number of months to discharge is 57 (SD = 92), roughly 5 years. The range is 0 to 663 (roughly 50 years). The value of 0 was given when the time to discharge was two weeks or less.

In the probation sample, the average number of months to discharge is 39.6 (SD = 8.2). Similar to the prison sample, the range is 0 to 432 months, roughly 36 years.

Number of Sexual Offenses

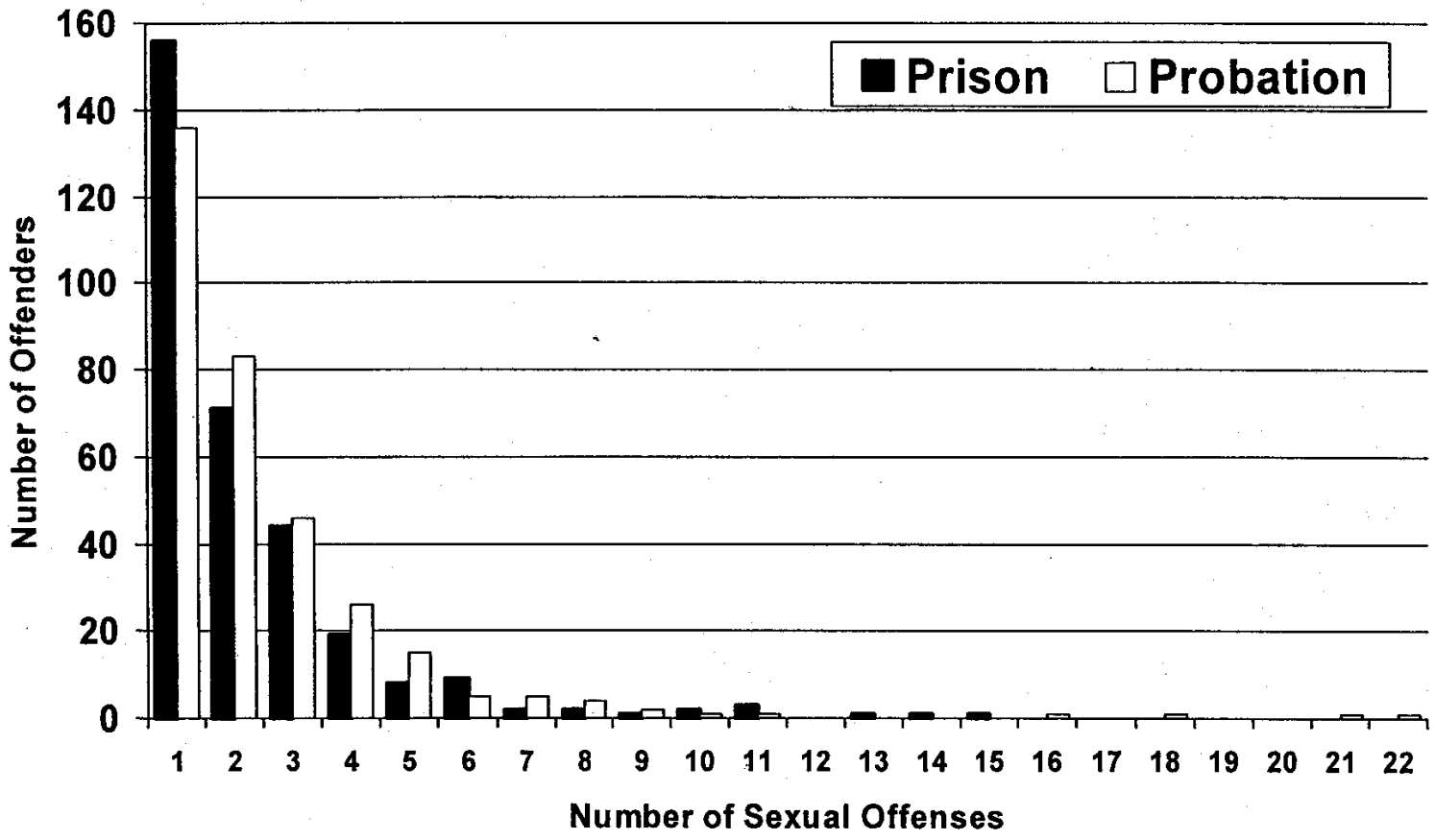
This variable reflects the total number of known sexual offenses, including the governing offense. Juvenile sexual offenses, if mentioned, were included.

In the prison sample, the average number of known sexual offenses was 2.30 [SD = 2.14], with a range of 1 to 15. Roughly half the sample (156, 48%) had no known prior sex offenses, while less than one-third of the sample (28.4%) had "3 or more" sex offenses (i.e., 2 or more priors.

In the probation sample, the average number of known sexual offenses was 2.50 [SD = 2.56], with a range of 1 to 22. In this sample, 136 (40%) had no known prior sex offenses, while one-third of the sample (32%) had "3 or more" sex offenses (i.e., 2 or more priors).

Number of Sexual Offenses

(Frequency)



Number of Sexual Offenses (frequency / %)

Number of Sex Offenses	Prison	Probation
1	156 (44%)	136 (40%)
2	71 (20%)	83 (24.5%)
3	44 (12.4%)	46 (13.6%)
4	19 (5.3%)	26 (7.7%)
5 - 6	17 (4.7%)	20 (6%)
7 - 8	4 (1.2%)	9 (2.7%)
9 - 10	3 (.09%)	3 (.09%)
11 - 15	6 (1.7%)	1 (.03%)
> 15 [Max: 22]		4 (1.2%)

Number of Non-Sexual Offenses

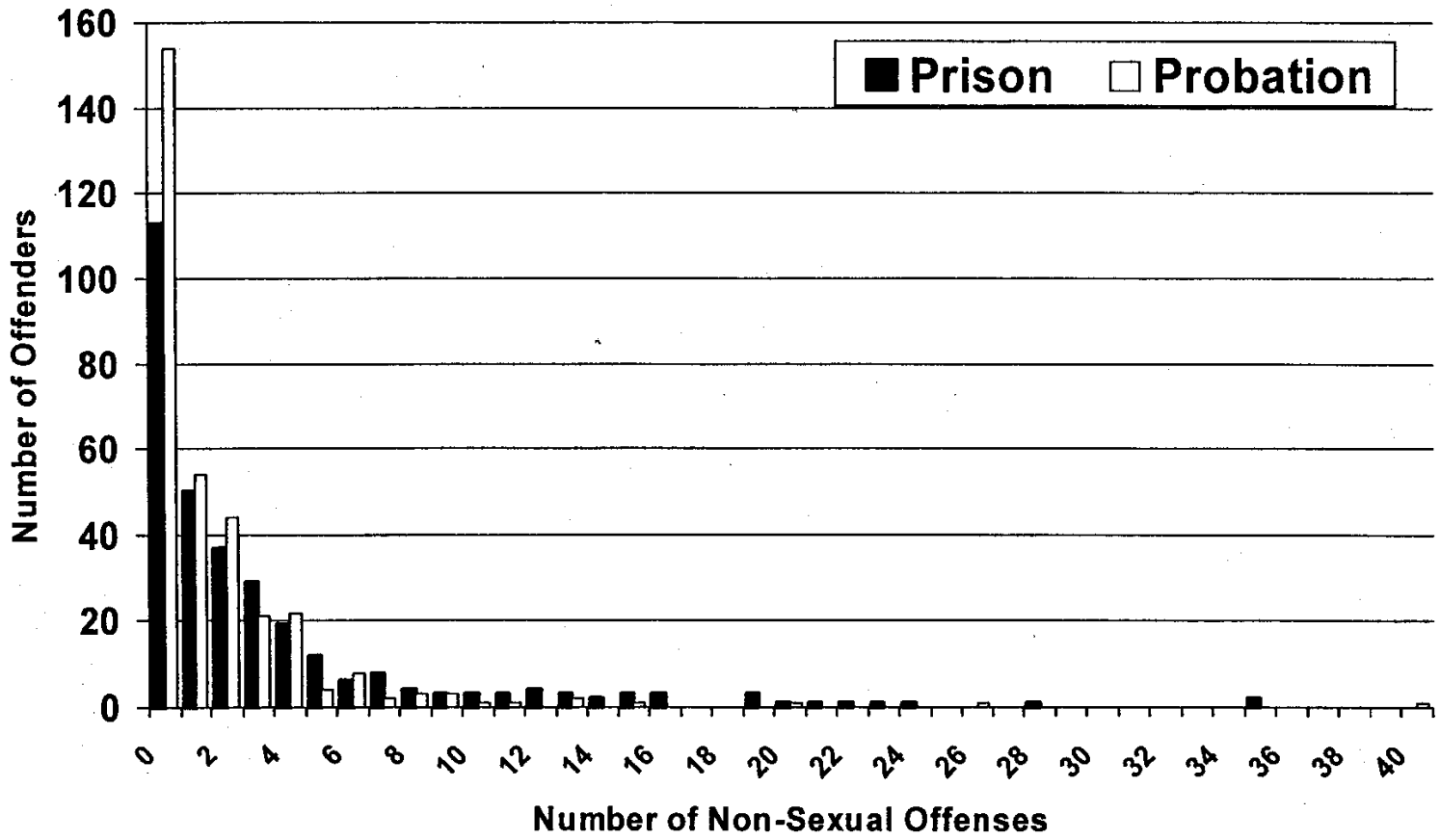
This variable reflects the total number of identified non-sexual offenses, including juvenile offenses. The threshold criterion for inclusion was charge or arrest; conviction was not necessary.

In the prison sample, the average number of non-sexual offenses was 3.31 [SD = 5.41], with a range of 0 to 35. Roughly one-third of the sample (113, 32%) had no known non-sexual offenses, while slightly less than 10% (8.9%) had ten (10) or more non-sexual offenses. Notably, 18% of the sample had five (5) or more non-sexual offenses.

In the probation sample, the average number of non-sexual offenses was 1.77 [SD = 3.60], with a range of 0 to 40. In this sample, 154 (45%) had no known non-sexual offenses, while 8.4% had five (5) or more non-sexual offenses and 2.4% had ten (10) or more non-sexual offenses.

Number of Non-Sexual Offenses

(Frequency)



Number of Non-Sexual Offenses (frequency / %)

Number of Non-Sex Offenses	Prison	Probation
0	113 (35%)	154 (45%)
1	50 (15%)	54 (16%)
2	37 (11%)	44 (13%)
3	29 (9%)	21 (6.2%)
4	19 (6%)	22 (6.5%)
5	12 (4%)	4 (1.2%)
6 – 10	24 (7.2%)	17 (5.1%)
11 - 15	15 (4.5%)	4 (1.2%)
> 15 [Max: 40]	14 (4.2%)	3 (1.0%)

Governing Offense

The governing offense, described in terms of the legal or statutory language, was coded according to 9 categories:

0 [unlawful sexual contact (misdemeanor)]
1 [unlawful sexual contact (felony)]
2 [sexual abuse of minors (misdemeanor)]
3 [sexual abuse of minors (felony)]
4 [sexual misconduct with a child under 14 (misdemeanor)]
5 [visual sexual aggression against child (misdemeanor)]
6 solicitation of child by computer (misdemeanor)]
7 solicitation of child by computer (felony)]
8 gross sexual assault (felony)]

In practice, other charge categories were often encountered employing language that no longer is used. When it was possible to determine the "analogous" charge using current categories, the charge was coded.

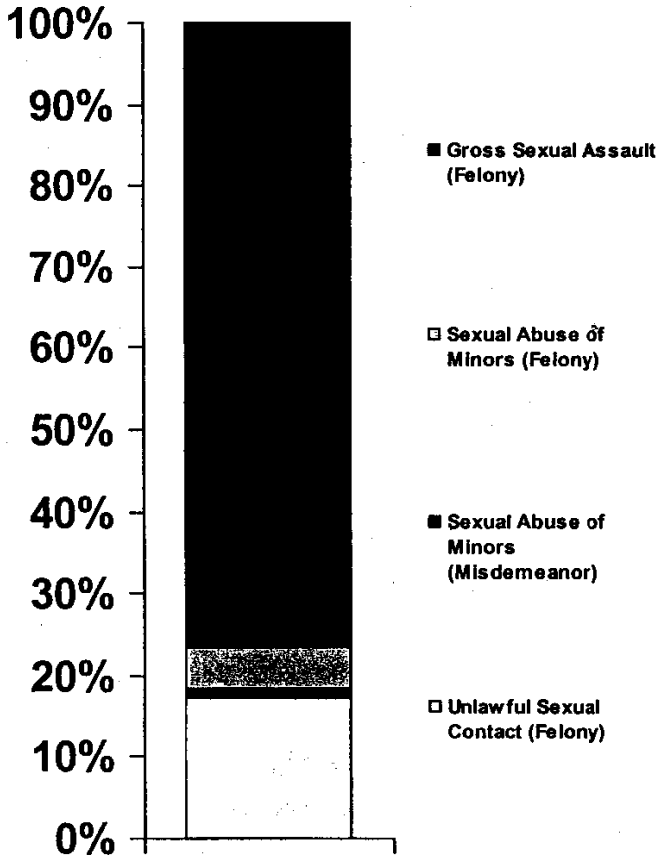
The governing offense for the prison sample was overwhelmingly "gross sexual assault" (246, 75.2%). Only one other category, "unlawful sexual contact (felony)," was notably represented (57, 17.4%). Those two categories accounted for 92.6% of the individuals in this sample.

Although the probation sample had somewhat more "diversity," the overall picture was the same. Over half of this sample (194, 57.2%) had a governing offense of "gross sexual assault," while another 24.8% (84) had a governing offense of "unlawful sexual contact (felony)," for a total of 82%.

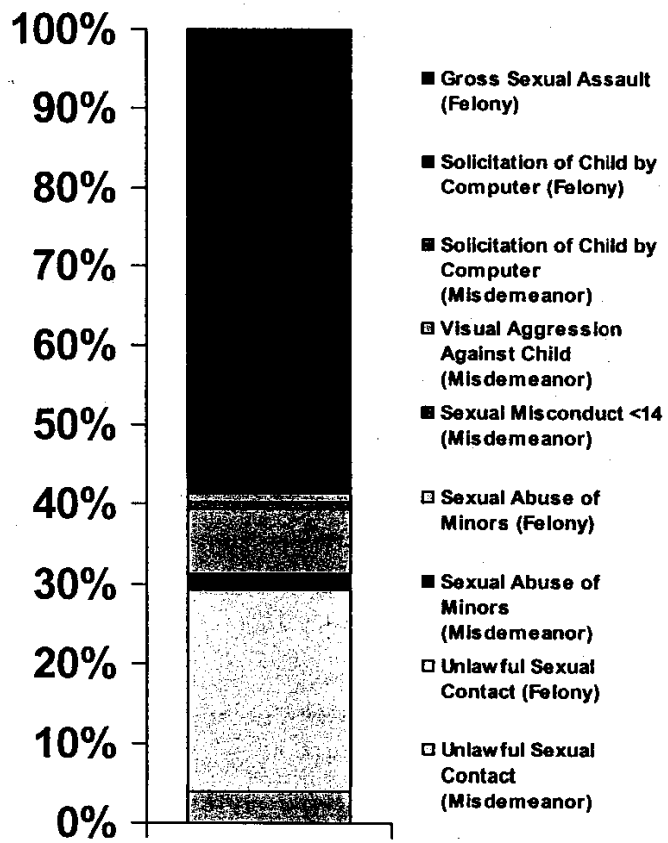
Governing Offense

(Legal Designation)

Prison



Probation



Governing Offense

(Legal Designation, Frequency)

Offense	Prison	Probation
Unlawful Sexual Contact (m)	0	3.5
Unlawful Sexual Contact (f)	17.4	24.8
Sexual abuse of Minors (m)	0.6	1.5
Sexual abuse of Minors (f)	5.2	7.7
Sexual Misconduct with a Child under 14 (m)	0	0.6
Visual Sexual Aggression Against Child (m)	0	0.6
Solicitation of Child by Computer (m)	0	0
Solicitation of Child by Computer (f)	0	0.6
Gross Sexual Assault (f)	75.2	57.2

Acts in the Offense

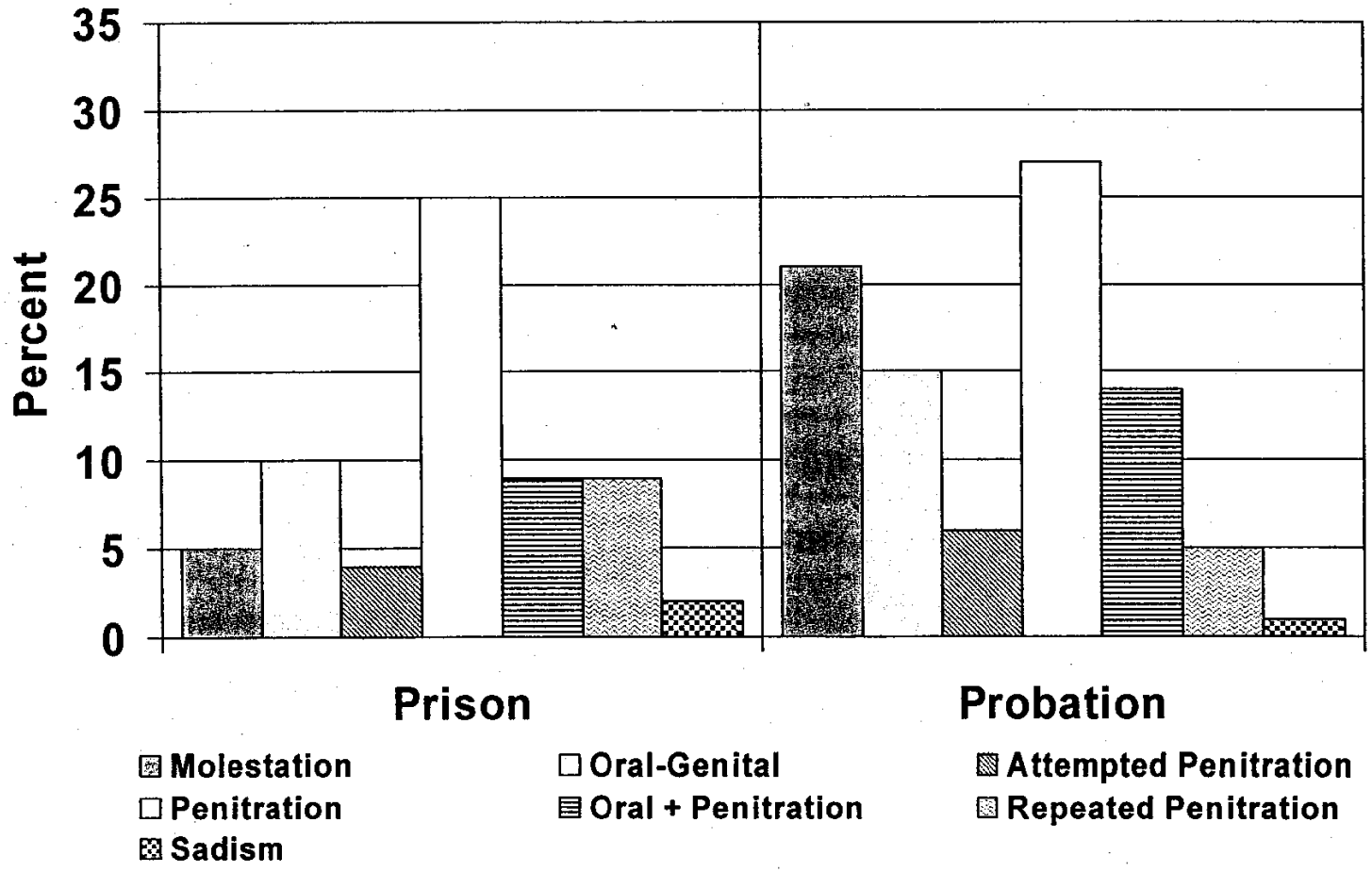
An attempt was made to code the "highest level" of sexual acts in the governing offense. Highest level referred to the most invasive acts and was one way of looking at severity. The following eight (8) categories were coded:

0 Molestation (no genital to genital contact; all sexual acts restricted to touching, caressing, fondling;
1 Oral-genital contact only
2 Attempted penetration (anal or vaginal);
3 Penetration (anal or vaginal);
4 Penetration and oral sex;
5 Repeated acts of penetration; protracted assault;
6 Sadism, including foreign object penetration

Although the largest coded category was "Penetration (anal or vagina)" (82, 25%), most of the other categories were represented. Sixty-two (62, 19%) cases were coded into the 4, 5, or 6 categories, while only 15 (4.6%) of the cases were coded into least invasive category (0). It should be noted, however, that a very large number of cases (120, 36.7%) could not be coded reliably and were rated as "unclear."

The probation sample was almost identical to the prison sample in that the largest coded category was "Penetration (anal or vagina)" (90, 26.5%), while 65 (19.2%) of the cases were coded into the 4, 5, or 6 categories). Unlike the prison sample, a larger proportion of the cases were coded as "Molestation" (71, 21%), and a much smaller proportion of the sample was excluded as "unclear" (28, 8.3%).

Acts in Offense



Degree of Violence

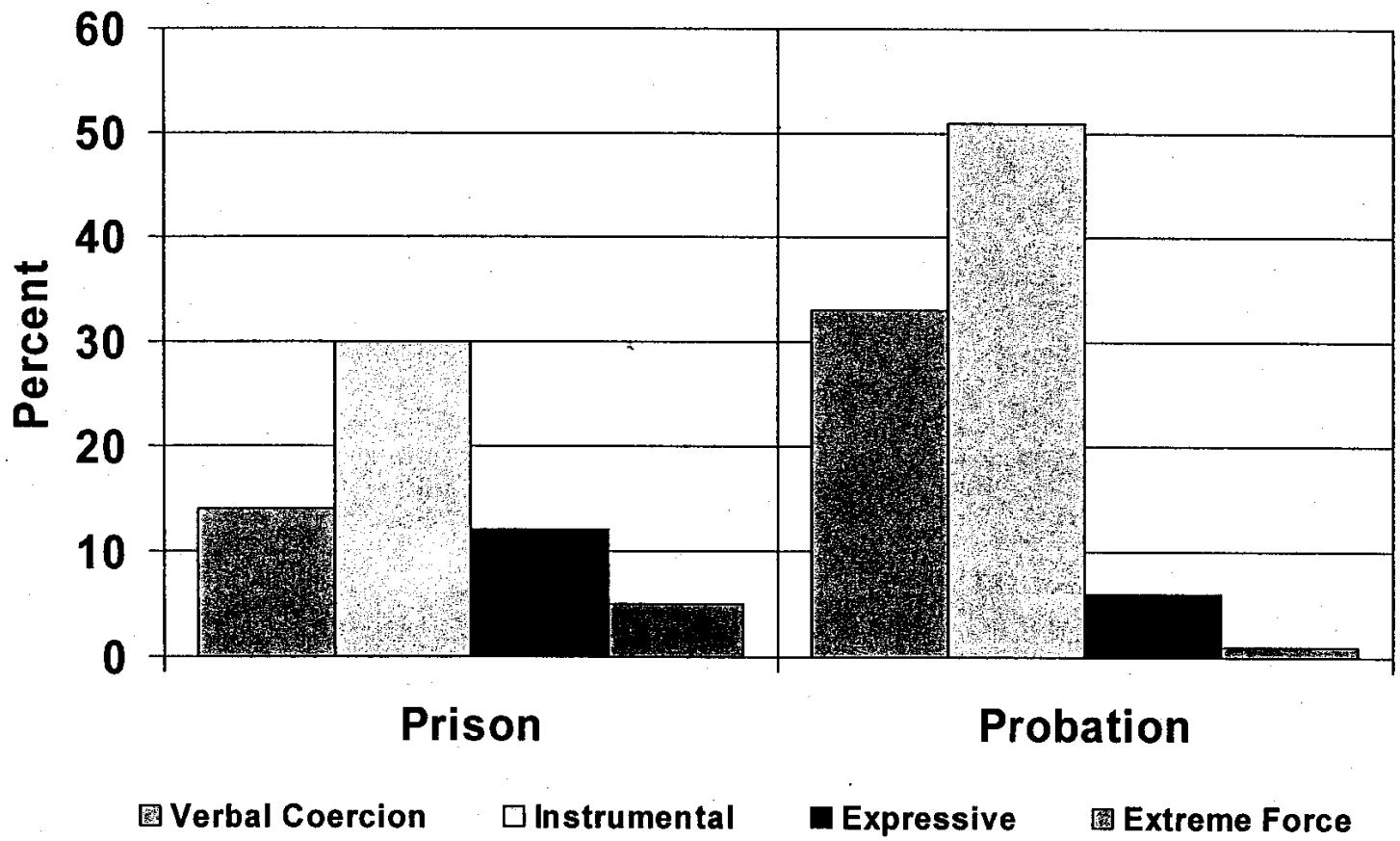
A second attempt to look at offense severity involved coding the highest level of documented aggression in any sexual offense committed by the individual. "Instrumental physical force" was coded in those instances in which there was no force or aggression that exceeded what was necessary to gain the compliance of the victim. "Expressive physical force" was coded in those instances in which the force or aggression clearly exceeded what was needed to gain the victim's compliance (e.g., slapping, kicking, punching). Extreme force was coded only in those instances where there was a high degree of violence (e.g., the victim was rendered unconscious, or the victim received severe physical injuries demanding medical attention). The following four categories were coded:

0 Only verbal coercion
1 Instrumental physical force
2 Expressive physical force
3 Extreme force

In the prison sample, one-third (98, 30%) of the cases were coded as "instrumental," while roughly equal numbers of cases were coded as "only verbal coercion" (44, 13.5%) and "expressive" (40, 12.25). Seventeen cases (17, 5.2%) were coded as "extreme." Like the previous variable, Acts in the Offense, this variable was very difficult to code reliably from the file data and a very large number of cases had to be coded as "unclear" and dropped (157, 48%).

In the probation sample, one-third of the cases (112, 33%) were coded as "only verbal coercion" and one-half (173, 51%) of the cases were coded as "instrumental." Thus, 84% of the individuals on probation had governing offenses that were coded as reflecting no gratuitous or expressive aggression. Like the previous variable, Acts in the Offense, this variable was easier to code using the probation files and far fewer cases had to be dropped as unclear (29, 8.6%).

Degree of Violence



Offender Classification

This variable was designed to classify the offenders into one of five nominal groups: Rapists, Incest Offenders, Extrafamilial Child Molesters, Pedophiles, and Hebophiles.

These five categories were coded using the following guidelines:

0 Rapist (all victims must be age 18 or older); this was an exclusive category, i.e., cases deviating from the age cut-off were excluded;

1 Incest (exclusive, within family child molester, include step and foster children, cousins, nieces, and nephews; if there are incest plus non-incest victims, code for non-incest, e.g., 2 or 3); this was an exclusive category, i.e., cases deviating from the age cut-off were excluded;

2 Extrafamilial Child Molester (victims generally are unknown, generally single offense against same victim, non-sexual crimes are more common, assaults typically have a "phallic" focus and may include attempted or completed penetration);

3 Pedophile (victims generally known to offender; generally multiple offenses against the same victim; non-sexual crimes rare; assaults generally characterized by caressing, fondling, and frottage with no penetration;

4 Hebophile (all victims are between the ages of 13 and 17); this was an exclusive category, i.e., cases deviating from the age cut-off were excluded;

Using the above categories, the prison sample was classified in the following way:

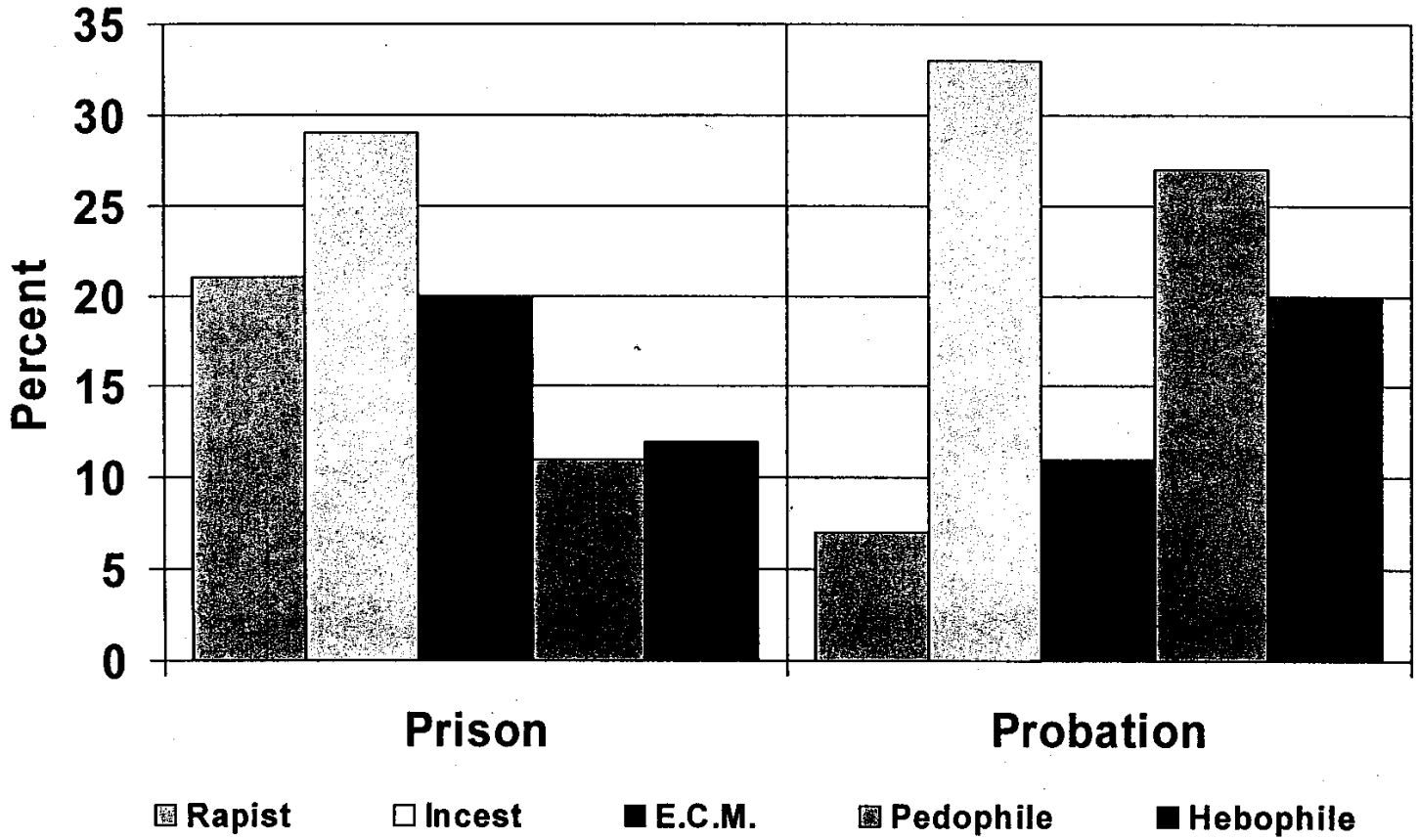
Incest Offenders:	(94, 28.7%)
Rapists:	(70, 21.4%)
Extrafamilial Child Molesters	(64, 19.6%)
Hebophiles:	(40, 12.2%)
Pedophiles:	(37, 11.3%)

By contrast, the probation sample appeared to have a different taxonomic make up:

Incest Offenders:	(111, 33%)
Pedophiles:	(92, 27%)
Hebophiles:	(66, 19.5%)
Extrafamilial Child Molesters	(36, 10.6%)
Rapists:	(23, 6.8%)

The largest constituent group in both samples is Incest (32% of the total sample). Whereas the Rapists are the second largest group in prison, they constitute a negligible group among those on probation. Overall, however, the Rapists still make up a relatively small proportion of the total sample (14.7%), less than the Hebophiles (16.7%), a group not traditionally separated out.

Offender Classification



C. Victim Characteristics

Victim Ages

Coders were instructed to pay close attention to the actual age of the victim at the time of the offense, not what may be implied by the charge or what the offender may have reported.

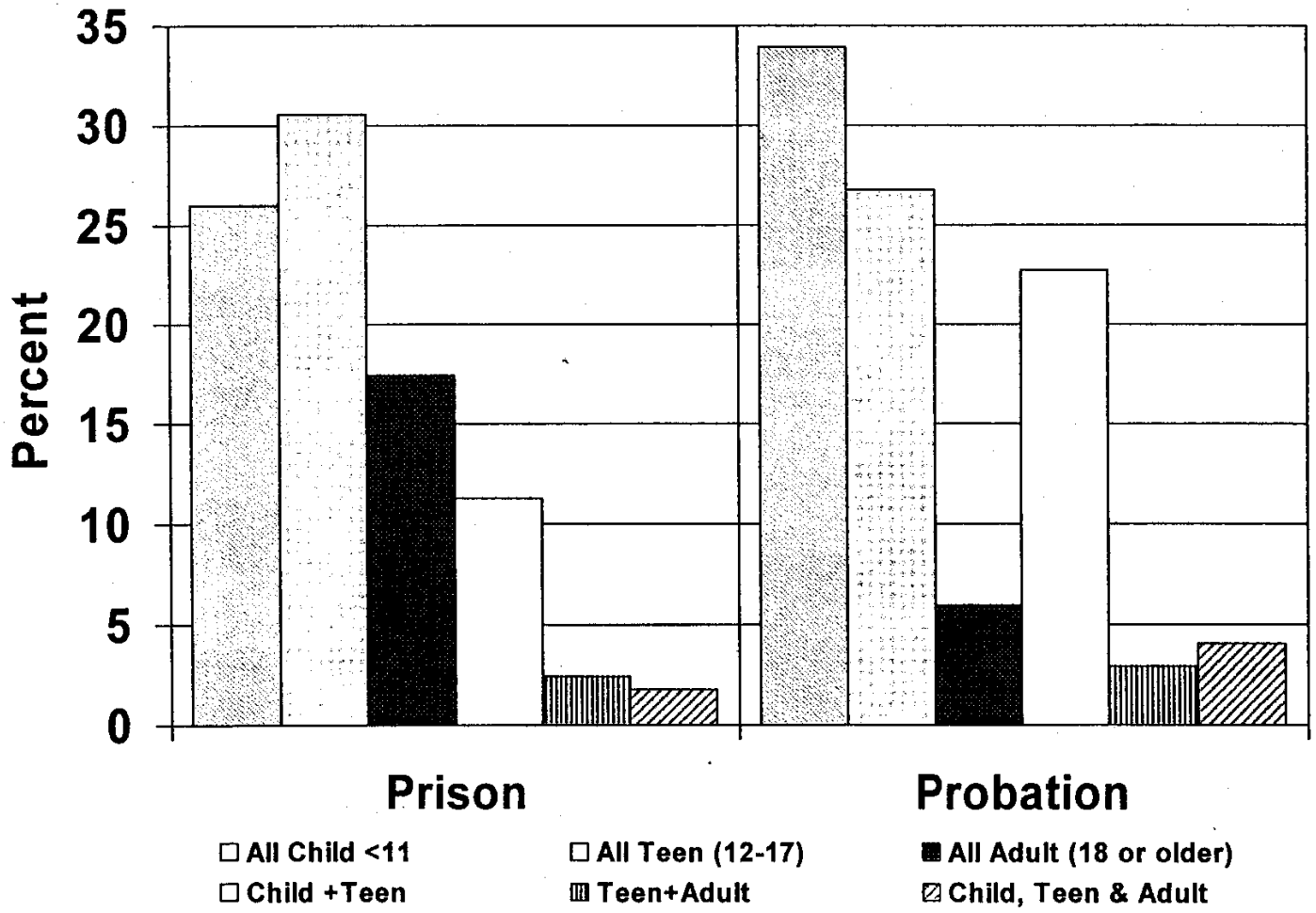
The variable was coded as:

0 All child victims (age 11 or younger);
1 All teen victims (age 12 to 17);
2 All adult victims (age 18 or older);
3 Child victims + Teen victims
4 Teen victims + Adult victims;
5 Child, Teen, and Adult victims

In the prison sample, 24% of the offenders had all child victims (defined as age 11 or younger), and an additional 38.5% had all juvenile victims (age 12 to 17) or a combination of child and juvenile victims. Only 57 (16%) men had only adult victims (age 18 or older). A very small proportion of the sample had juvenile and adult victims (8, 2.2%) or victims spanning all three age groups (6, 1.7%).

The probation sample was characterized predominantly by men with child or teenage victims. One-third of the sample (115, 34%) had all child victims and an additional 168 (49.5%) had all juvenile victims or a combination of child and juvenile victims. These three groups comprised 83.5% of the probation sample. Only 20 (6%) men had only adult victims. A slightly larger proportion of this sample had juvenile and adult victims (10, 3%) or victims spanning all three age groups (14, 4%).

Victim Ages


35
30
25
20
15
10
5
0
Percent
Prison
Probation
All Child <11
All Teen (12-17)
All Adult (18 or older)
Child +Teen
Teen+Adult
Child, Teen & Adult

Victim Sex

The coding for Victim Sex took into consideration all known victims of sex offenses, not just the governing offense.

The variable was coded as:

0 Female victims only
1 Male victims only
2 Mixed (both female and male victims)

The prison sample was characterized predominantly by men with female victims (238, 67%). Only 44 men (12%) had male victims, and an even smaller number (28, 8%) had both male and female victims.

The probation sample was very similar to the prison, with fewer cases dropped as unclear. Almost three-quarters of the men in this sample (245, 72.3%) had female victims. Fifty-three men (15.6%) had male victims, and 36 (10.6%) men had both male and female victims.

Victim Relationships

The Victim Relationships variable took into consideration all known victims of sexual offenses.

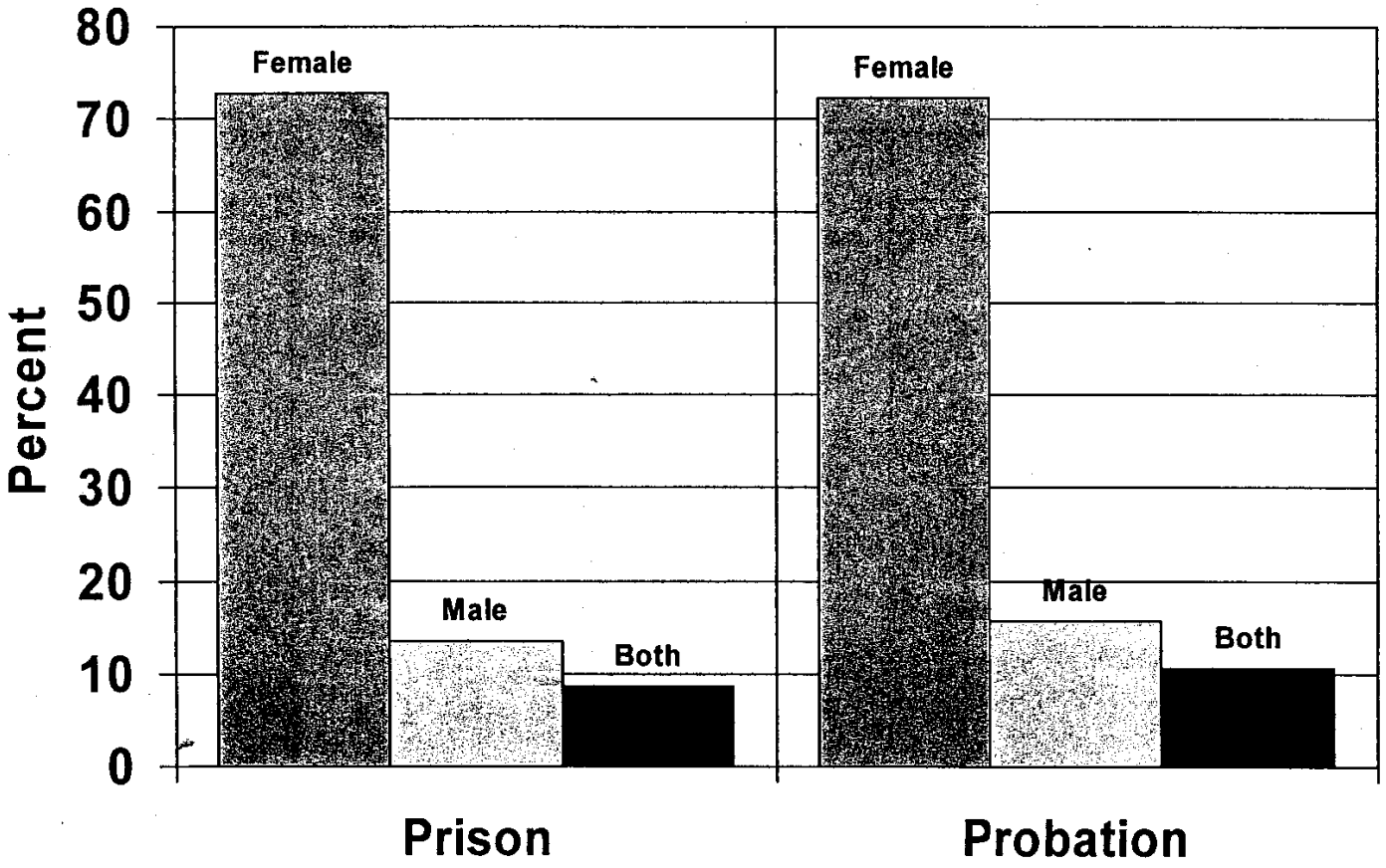
The variable was coded as follows:

0 All victims related to offender (not exclusively biological);
1 Some known victims ("acquaintance") but not related;
2 All victims unknown (strangers);
3 Cross-over (victims of multiple types of relationships)

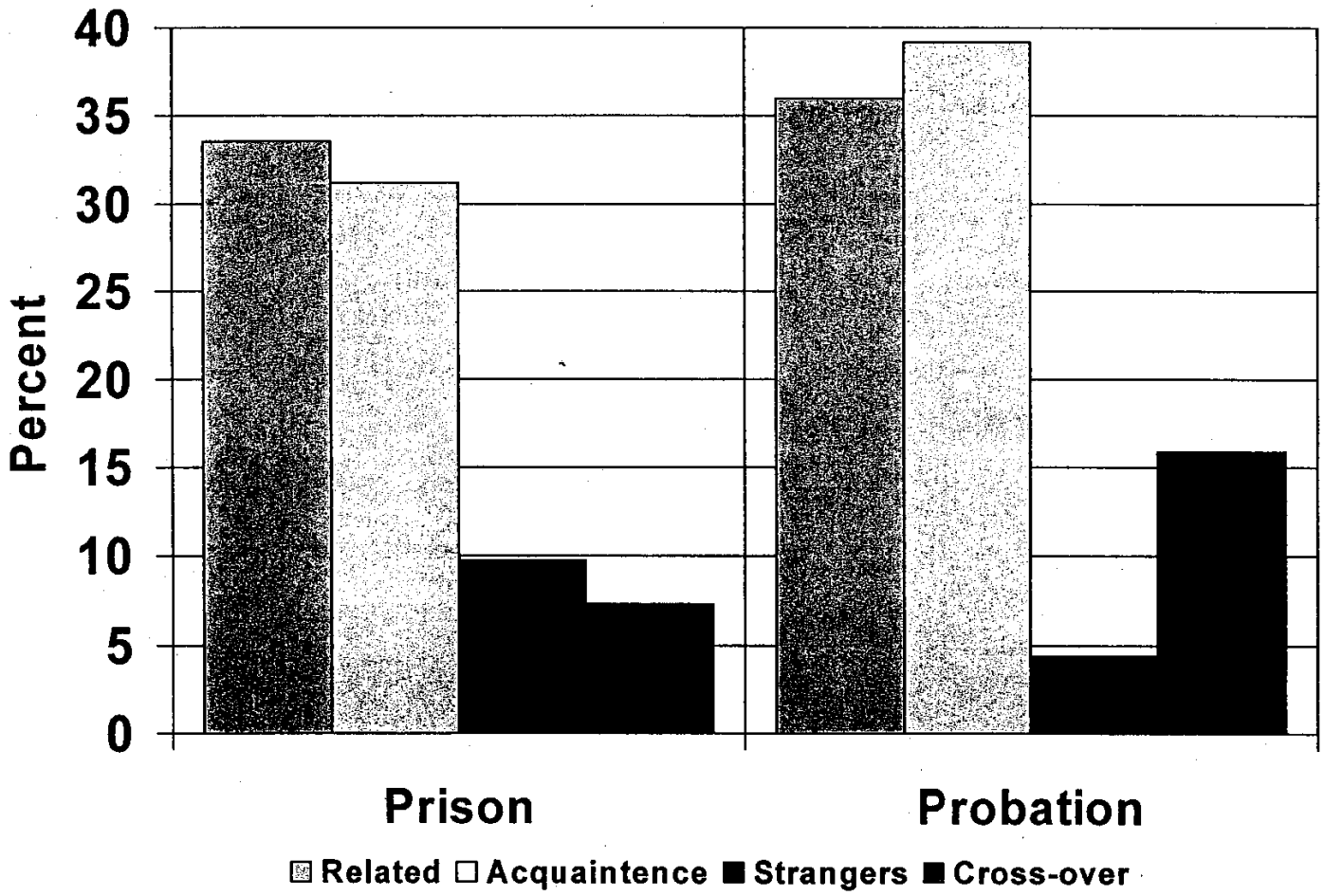
The prison sample was evenly divided between offenders with related (familial) victims (110, 34%) and offenders with acquaintance (unrelated but known) victims (102, 31%). The sample included relatively few men with stranger victims (32, 10%) or men with victims of multiple types of relationships (24, 7%). The prison sample included a moderately large number of cases that had to coded as unclear (59, 18%).

The probation sample was, similarly, evenly divided between offenders with related (familial) victims (122, 36%) and offenders with acquaintance (unrelated but known) victims (133, 39%). The probation sample included very few men with stranger victims (15, 4.4%), but a larger number of men with victims of multiple types of relationships (54, 16%). The probation sample included fewer cases that had to coded as unclear (14, 4%).

Victim Sex


80
70
60
50
40
30
20
10
0
Percent
Female
Male
Both
Female
Male
Both
Prison
Probation

Victim Relationship



D. Analysis of Risk Variables

Institutional Classification Level

Institutional Classification Level (ICL) reflects the score from the Department's Initial and Reclassification Custody Rating Sheet. We found many prison files in which it was not possible to locate this rating sheet. In all instances in which we identified multiple rating sheets, we used the score on the sheet with the most recent date. For the prison sample, the average ICL score was 38 (SD = 10), with a range of 2 – 71. ICL scores from prison were not found in the probation files, and thus we do not have that information on the probation sample.

RRASOR

The RRASOR is a brief screening device for assessing risk with sexual offenders. The distribution of scores, ranging from 0 to 6, for both the prison and probation samples were very similar to what has been reported in the literature using the RRASOR on samples of child molesters.

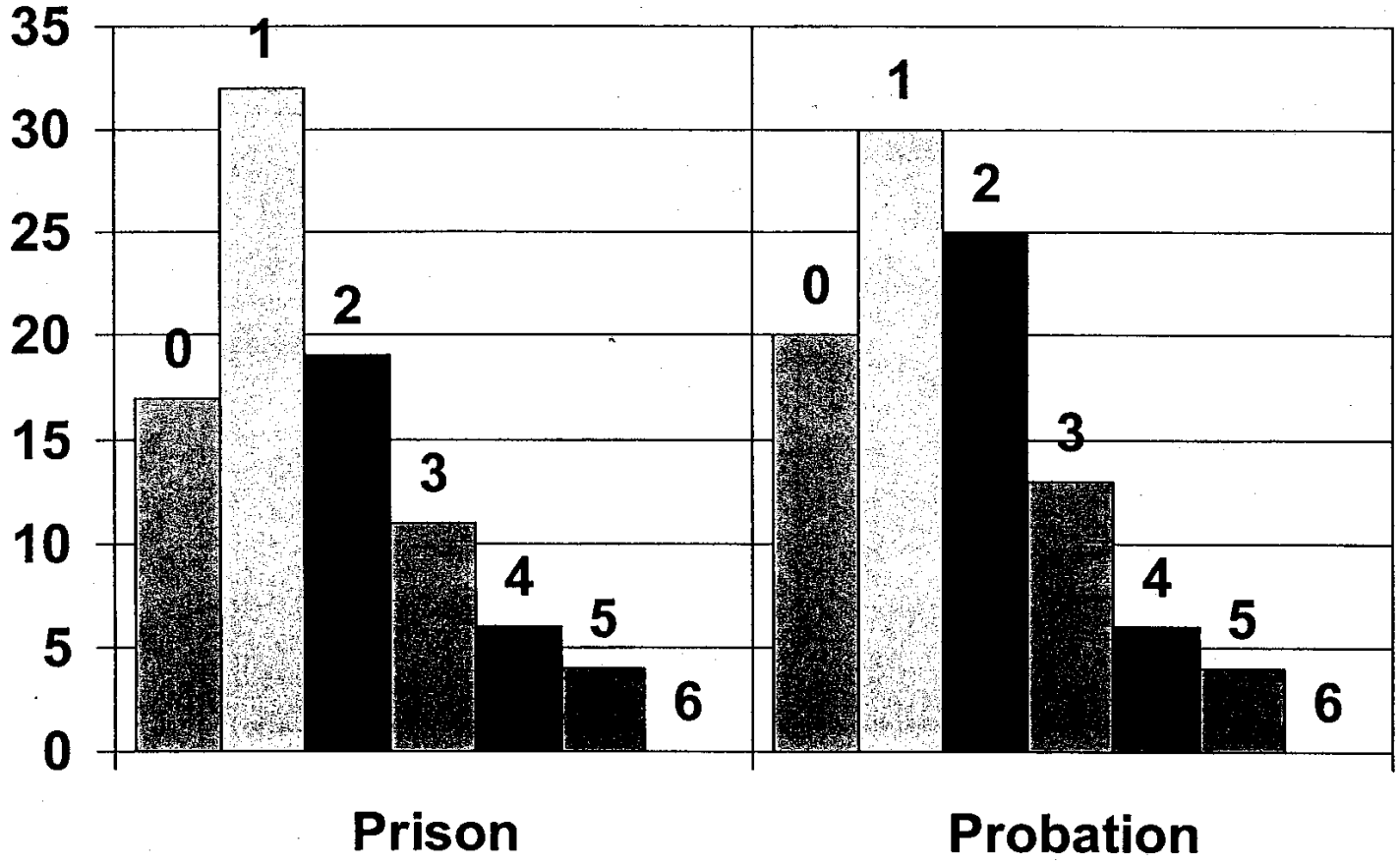
For the prison sample, 225 men (68.8%) received a score of 0, 1, or 2, reflecting low to low-moderate risk. Only 32 men (9.8%) received a score of 4, 5, or 6, placing them in a moderately high to high risk group.

The adjusted recidivism rates for men with RRASOR scores of 0, 1, or 2 at ten years are 6.5%, 11.2%, and 21.1%, respectively (Hanson, 1997). By contrast, the adjusted recidivism rates for men with RRASOR scores of 4 or 5 at ten years are 48.6% and 73.1%, respectively.

For the probation sample, 252 men (74.4%) received a score of 0, 1, or 2, reflecting low to low-moderate risk. An almost identical number of men (33, 9.7%) received a score of 4, 5, or 6, placing them in a moderately high to high risk group. As a risk assessment tool, the RRASOR did not discriminate between those on probation and those in prison (i.e., the same proportion of men at high risk were in prison and on probation).

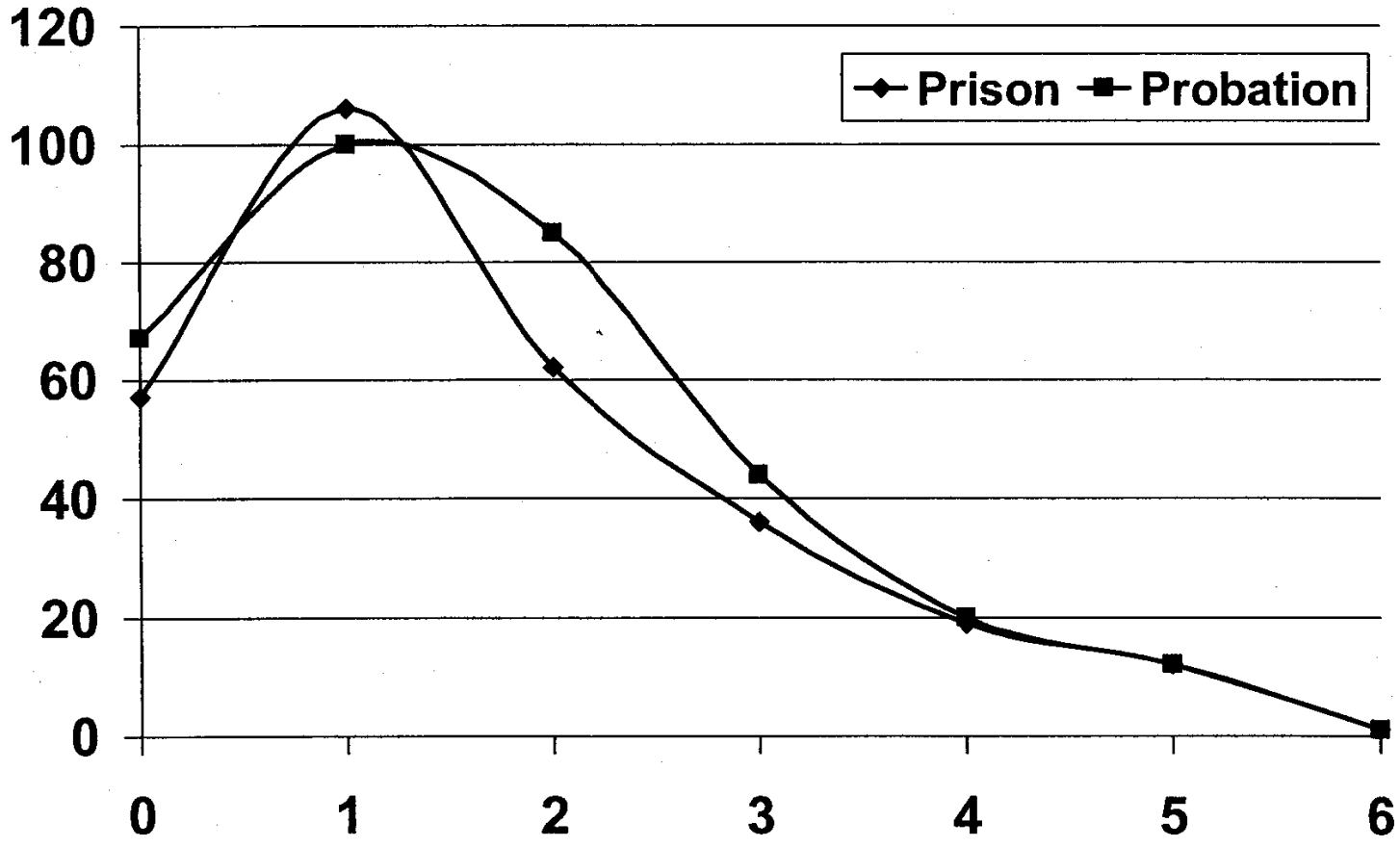
Risk: RRASOR Scale

(number represents score on RRASOR)



Risk: RRASOR Scale

(Frequency)



SSPI

The SSPI is a risk assessment scale designed specifically for offenders with "pedophilic interests." Like the RRASOR, the distribution of scores from the SSPI, ranging from 0 to 5, for both the prison and probation samples were very similar.

For the prison sample, 195 men (59.6%) received an SSPI score (0, 1, or 2) that reflected low to low-moderate pedophilic interest, while a relatively small number of men (47, 14.4%) received a score (4 or 5) that would be associated with strong pedophilic interest

For the probation sample, 194 men (57.2%) received an SSPI score (0, 1, or 2) that reflected low to low-moderate pedophilic interest. This proportion is virtually identical to the prison sample. A somewhat larger proportion of this sample (70, 20.6%), however, received a score (4 or 5) that would be associated with strong pedophilic interest. This finding is consistent with the large number of men in the probation sample classified as pedophiles (cf., Offender Classification).

RRA

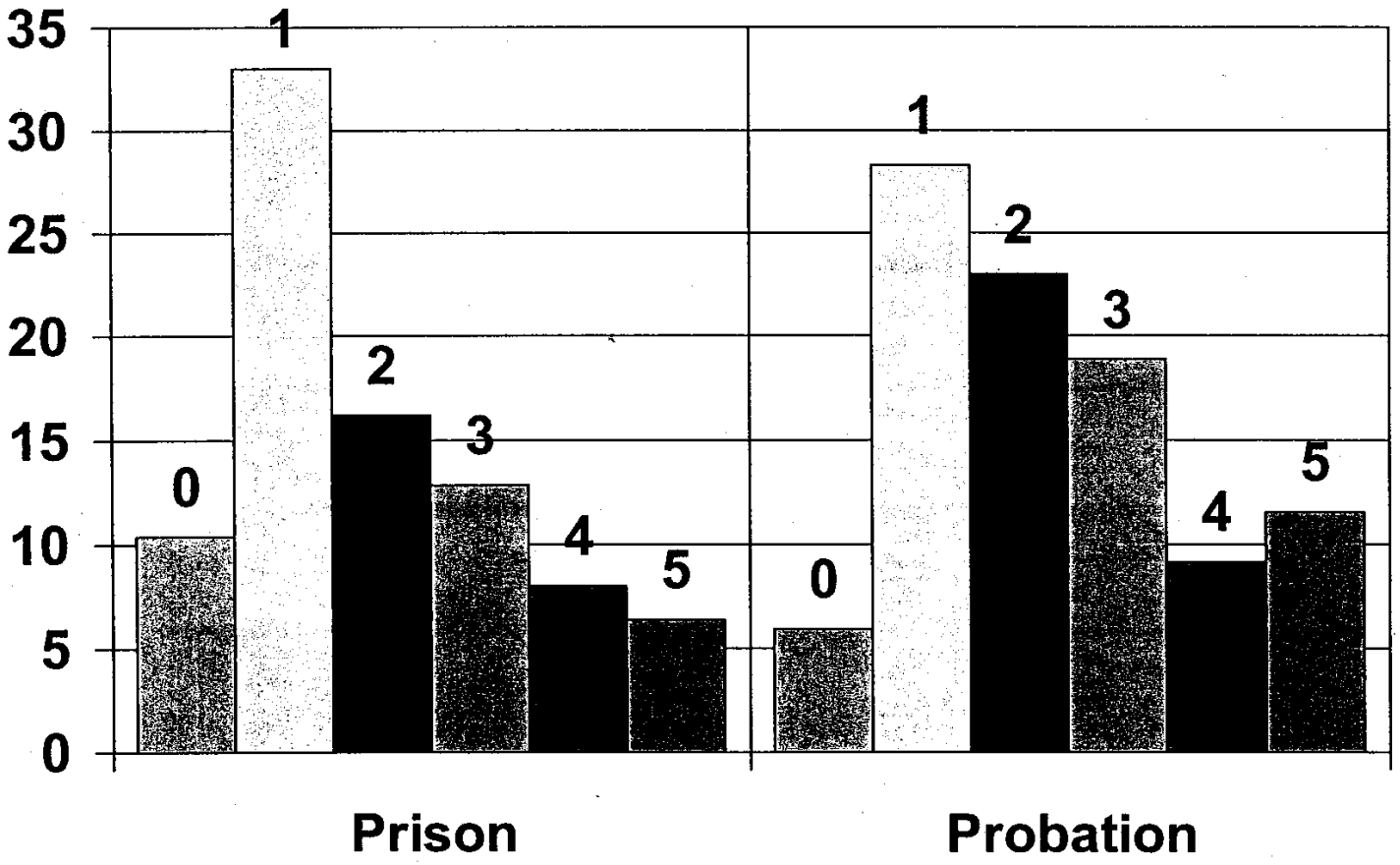
The RRA was developed for this project as a brief (4-item) scale that might be more sensitive to the risk posed by raspists and more violent offenders.

The distribution of RRA scores for the prison sample was relatively normal, with 116 men (35.5%) receiving the lowest scores (0, 1, or 2) and an equivalent proportion of men (120, 36.6%) receiving scores in the moderate range (3, 4, or 5). The highest risk scores (6 – 10) were received by only 27 men (8.2%).

Notably, the probation sample had a higher proportion of men in the lowest risk range (183, 54%) and an equivalent proportion of men in the moderate risk range (119, 35%). The probation sample had only 17 men (5%) in the highest risk range.

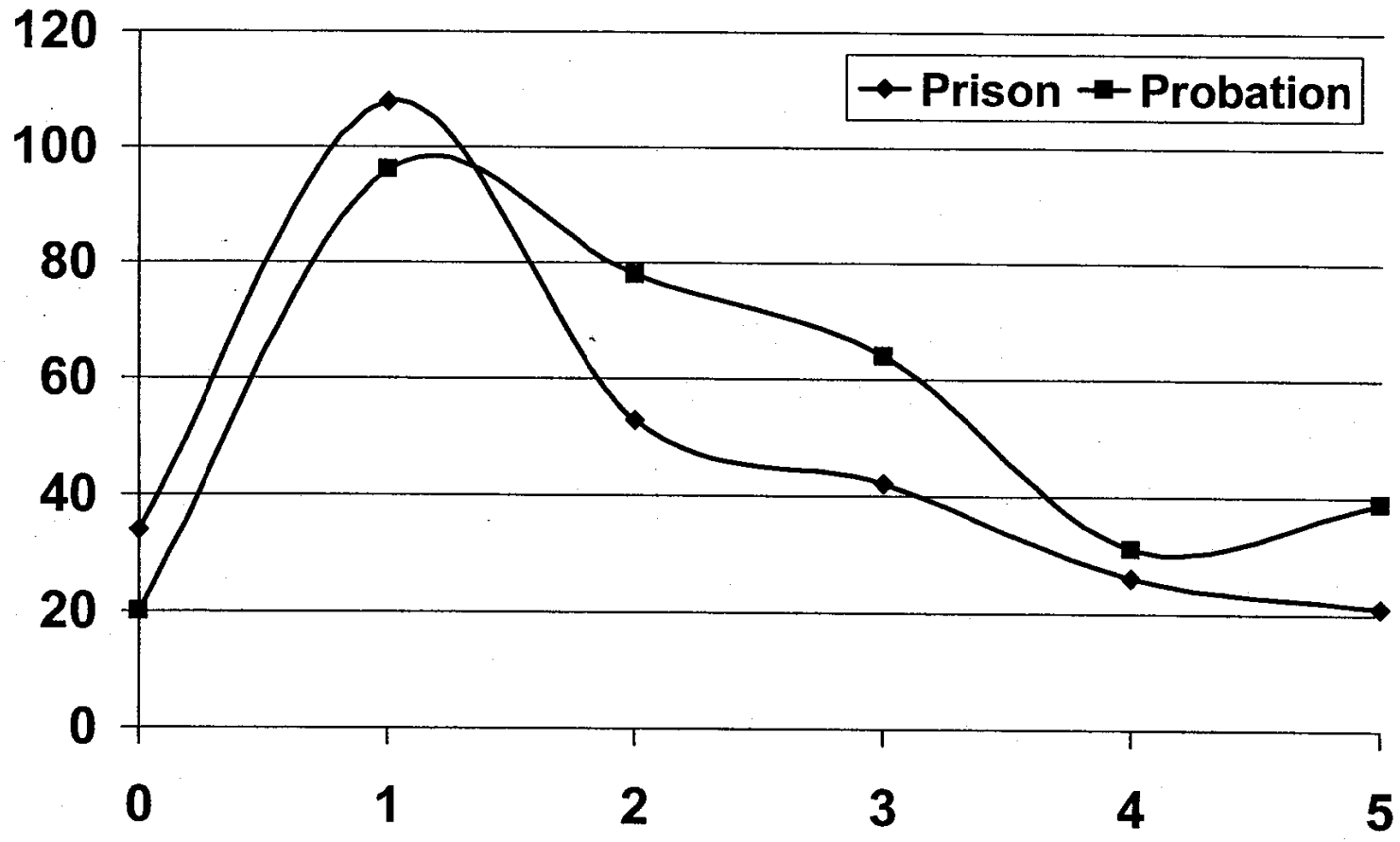
Risk: SSPI Scale

(number represents score on SSPI Scale)

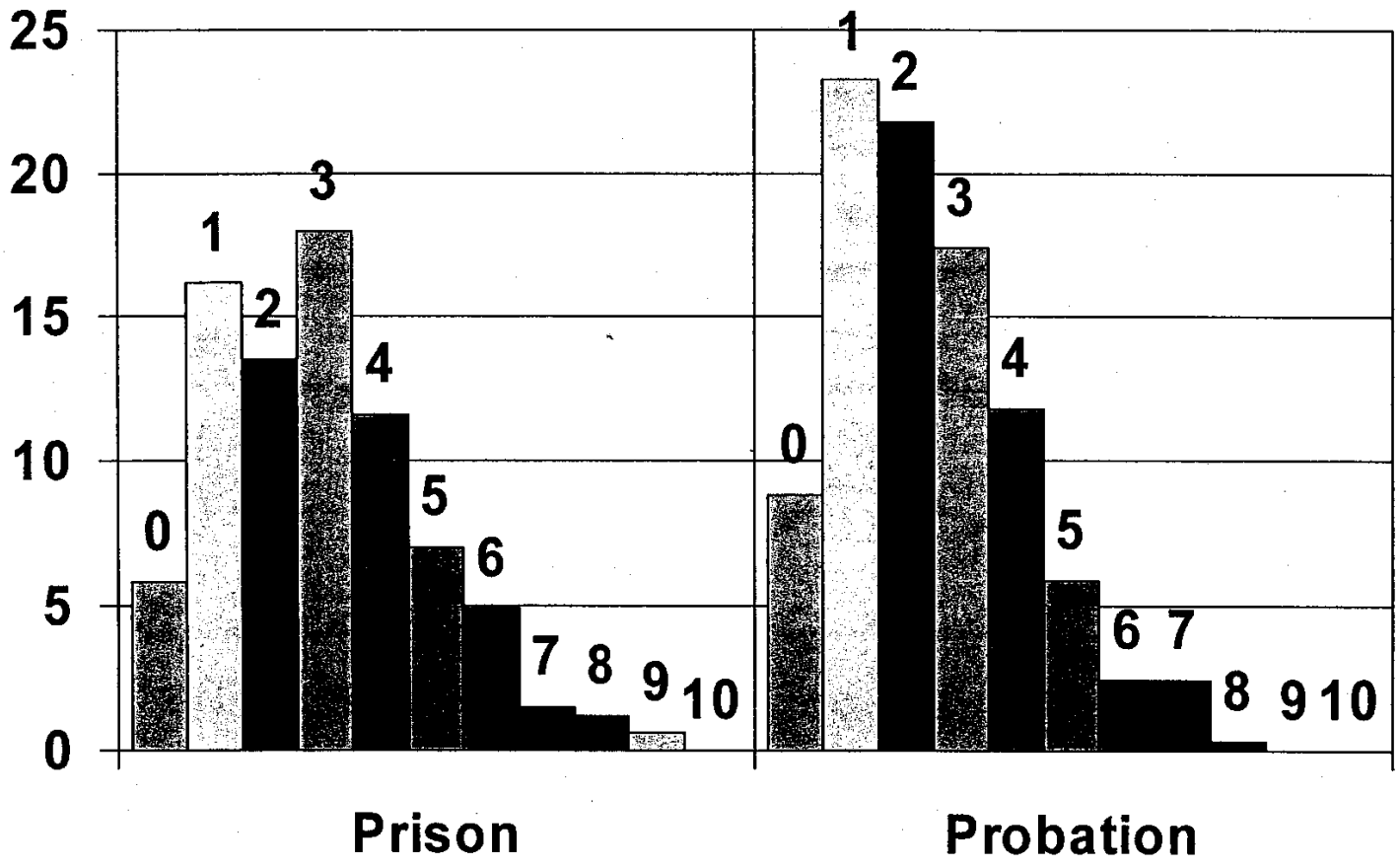


Risk: SSPI Scale

(Frequency)

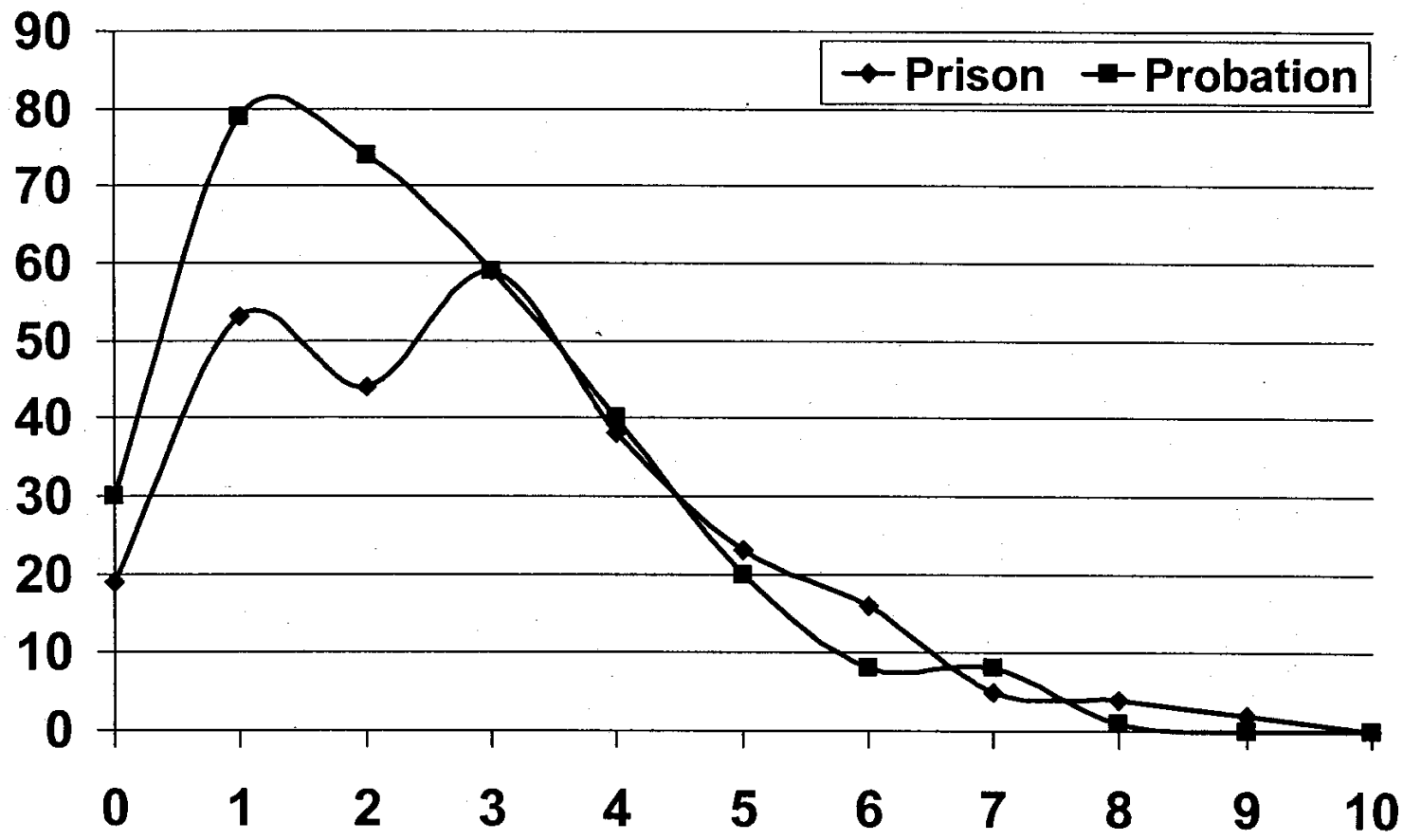


Risk: RRA Scale



Risk: RRA Scale

(Frequency)



Relationship of Risk Scales to Outcome

We examined the relationship of the four risk scales to three criminal history "outcome" variables that we had coded: Number of Sex Offenses, Number of Non-Sex Offenses, and Degree of Violence. The bivariate (Pearson) correlations among these variables are provided in the last chart. All of the reported correlations are significant at $p < .01$.

The results were rather interesting. The Department's ICL was correlated (related to or associated with) the Number of Non-Sexual Offenses and the RRA score. The ICL was uncorrelated with the Number of Sex Offenses, the SSPI, and the RRASOR. In essence, the ICL is sensitive to general criminal history but is not useful as a risk assessment for most sexual offenders in the system, a substantial majority of whom are child molesters and have little or no general criminal history.

The RRASOR and the SSPI were highly inter-correlated (.73) and both were highly correlated with Number of Sexual Offenses. The RRASOR and SSPI were not related, however, to Degree of Violence or Non-Sexual Offenses. The RRA appeared to accomplish what it was intended for, to assess risk associated of violence and non-sexual offense history. The RRA was also correlated with the ICL. The difference between the ICL and the RRA, is that the RRA was correlated with violence, whereas the ICL was not.

Correlation of Risk Scales with Outcome

*p < .01

	# Sex Off	# Non-Sex Off	Deg. of Viol	RRASOR	SSPI	RRA	ICL
# Sex Off	-	-.01	.02	.60*	.47*	.29*	-.06
# Non-Sex Off		-	.09	.03	-.05	.40*	.41*
Deg of Viol			-	.11	.03	.47*	.14
RRASOR				-	.73*	.40*	.08
SSPI					-	.17	.04
RRA						-	.36*
ICL							

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References

Hanson, R. K. (1997). The development of a brief actuarial risk scale for sexual offense recidivism. (User Report 97-04). Ottawa: Department of the Solicitor General of Canada.

Seto, M. C., & Lalumiere, M. I. (2001). A brief screening scale to identify pedophilic interests among child molesters. Sexual Abuse: A Journal of Research and Treatment, 13, 15-25.

Coding Criteria

Date of Birth; DOB;

Actual birth date xx/xx/xx

2. *Age at incarceration; AI;*

-1 – unclear
x – write in age at time of incarceration for governing sex offense

Same variable applies for probationers-code age at time of incarceration for governing sex offense.

3. *Number of Months to Discharge from Prison; DP;*

-2 - if on probation
-1 – unclear
x – write the amount of time in months before the individual is expected to be discharged from prison to the street (simply subtract the anticipated date of discharge from 2003).

4. *Number of Months to Discharge from Probation; Prob;*

-2 - if in prison
-1 – unclear
x – write in when probation will end (calculate amount of time in months - see above)

5. *County of Current Residence; CR;*

-1 - Unclear
0 - Out of state
1 - Androscoggin
2 - Aroostook
3 - Cumberland
4 - Franklin
5 - Hancock
6 - Kennebec
7 - Knox
8 - Lincoln
9 - Oxford
10 - Penobscot
11 - Piscataquis
12 - Sagadahoc
13 - Somerset
14 - Washington
15 - Waldo
16 – York

If on probation, code for current residence in the community. If in prison, code for county of sentencing court.

6. *Educational Status; EDU;*

-2 – N/A – Subject never when to school
-1 – unclear
x – write in actual grade level

Code for the highest-grade level subject COMPLETED. If subject has graduated from high school or a GED write in 12, Associates degree = 14, Bachelors degree = 16 and anything above bachelors = 18.

7. *Marital Status; MS;*

-1 – unclear
0 – single, never married
1 - married
2 - separated
3 – divorced
4 – widowed

8. *History of Major Mental Illness; MI;*

-1 – unclear
0 – absent
1 - present

This requires clear documentation that the individual has been diagnosed and/or treated for some form of psychosis (e.g., schizophrenia or bipolar disorder [Manic-Depressive Illness])

9. *Cognitive Functioning (MR); CF;*

-2 – no information about MR or cognitive functioning
-1 – unclear
0 – no evidence to suggest MR
1 – yes, there is some degree of mental retardation or borderline intellectual functioning.

10. *Alcohol Abuse History; AH;*

-1 – unclear
0 – no evidence in records
1 – yes

11. *Drug Abuse History; DH;*

-1 – unclear
0 – no evidence in records
1 - yes

12. *Governing Offense; GO;*

-1 – unclear
0 - unlawful sexual contact (misdemeanor)
1 – unlawful sexual contact (felony)
2 – sexual abuse of minors (misdemeanor)
3 - sexual abuse of minors (felony)
4 – sexual misconduct with a child under 14 years of age (only misdemeanor)
5 – visual sexual aggression against child (only misdemeanor)
6 – solicitation of child by computer to commit a prohibited act (misdemeanor)
7 – solicitation of child by computer to commit a prohibited act (felony)
8 - gross sexual assault (felony)

13. *Offense Type by Act; ACT;*

-1 - Unclear
0 - Molestation (No genital to genital, genital to anus, or oral-genital contact. Sexual acts restricted to touching, kissing, fondling)
1 - Oral-genital contact only (Gross Sexual Assault)
2 - Attempted anal and/or vaginal penetration (Attempted Gross Sexual Assault)
3 - Anal or vaginal penetration (Gross Sexual Assault)
4 - Both oral sex and anal/vaginal penetration (Gross Sexual Assault)
5 - Repeated anal and/or vaginal penetration during incident (Gross Sexual Assault)
6 - Sadism (include foreign object penetration)
7 - Other (e.g. attempted molestation, attempted oral-genital contact)

Code for the highest level documented in the governing offense. Code "0" as being lowest and "6" as being the highest.

14. *Total Number of Sexual Offenses; TNSO;*

-1 – unclear
x – write in total # of sexual offenses, including the governing offense

Offenses do not require conviction.

15. *Total Number of Non-sexual, Offenses; NSBO;*

-1 – unclear
x – write in total # of non-sexual offenses

16. *Degree of Violence; DOV;*

-1 – unclear
0 – only verbal coercion
1 – instrumental physical force
2 – expressive physical force
3 - extreme force

Code for the highest level of aggression documented in any sexual offense committed by the individual. Although, most often, it will be the governing offense, it may be a prior offense. "Instrumental physical force" means that there was no force or aggression beyond what was necessary to gain the compliance of the victim. "Expressive physical force" is the use of force or aggression that clearly exceeds what was needed to gain the victim's compliance (e.g., slapping, kicking, punching). Extreme force should be coded only in those cases where there was a high degree of violence (the victim was rendered unconscious, or the victim received severe physical injuries demanding medical attention).

17. *Victim Ages; VA;*

-1 - unclear
0 - all child victims (age 11 or younger)
1 - all teen victims (age 12 – 17)
2 - all adult victims (age 18 or older)
3 - child victims + teen victims
4 - teen victims and adult victims
5 – child, teen and adult victims

Pay close attention to the actual age of the victim at the time of the offense (not what may be implied by the charge).

18. *Victim Gender; VG;*

-1 - unclear
0 - Female victims only
1 - Male victims only
2 - Mixed (victims of both genders)

19. *Victim Relationships; VR;*

-1 - unclear
0 - all victims related to offender (not exclusively biological)
1 - some victims known (acquaintance) but unrelated
2 - all victims unknown (strangers)
3 – cross-over (victims of multiple types of relationships)

20. *Offender Classifications; OC;*

0 - Rapist (all victims age 18 or older)
1 - Incest: (exclusive, within family child molester, include step and foster children, cousins, nieces and nephews; if there are incest plus non-incest victims, code for non-incest, e.g., 2 or 3)
2 - E.C.M.: (extrafamilial child molester, victims generally are unknown, generally single offense against same victim, non-sexual crimes common; assaults may include attempted or completed penetration)
3 - Pedophile (victims generally known to offender; generally multiple offenses against same victim; non-sexual crimes rare; assaults generally characterized by caressing, fondling, frottage and no penetration)
4. Hebophile (all victims are between the ages of 13 – 17)

Item 20A on the coding sheet represents PRIMARY victims. 20B on the coding sheet represents SECONDARY victims. In the vast majority of cases there will be no secondary classification; therefore 18B should be coded "-2". In some instances, however, there maybe "cross over" (victim falls into more than 1 classification category).

21. *Initial DOC Classification Level; ICL;*

-2 – no classification score
x – write in initial score

22. *RRASOR Score; RRASOR;*

The Rapid Risk Assessment for Sex Offender Recidivism (RRASOR) was developed by Hanson (1997) as a brief, easily scored set of variables for predicting risk. The RRASOR score is calculated by adding the scores from the following 4 variables:

1. 14. 18. 19.

23. *SSPI Score; SSPI;*

The Screening Scale for Pedophilic Interests (SSPI) was developed by Seto and Lalumiere (2001) as a brief, easily scored set of variables for assessing risk among adult child molesters. The SSPI score is calculated by adding the scores from the following 4 variables:

14. 17. 18. 19.

24. *RRA Score; RRA;*

The Rapist Risk Assessment (RRA) is a rationally derived composite of 4 variables intended to reflect risk posed by rapists. The RRA score is calculated by adding the scores from the following 4 variables:

1. 14. 15. 16.

Please note that appended pages are to calculate items 22, 23 & 24.

Calculating the 3 Risk Scores

Item #22: How to calculate the RRASOR score:

1. Using Item 1 (DOB) and Item 3, determine the man's age at the time that he will be discharged from prison; if he is on probation, determine his age when he first returned to the community.
   Age 25 or Older, score 0
   Age 18 – 24.99, score 1

2. Using Item 12 (Total # of Sex Offenses):
   [excluding the current (governing) sex offense]
   None (No known prior sex offenses), score 0
   1 prior conviction or 2 prior charges, score 1
   2 or 3 convictions or 3 - 5 charges, score 2
   4 or more " or 6 - - " score 3

3. Using Item 16 (Victim Gender):
   Only female victims, score 0 (all known victims are female)
   Any male victim, score 1

4. Using Item 17 (Victim Relationship):
   Only related victims, score 0
   [related victims include spouse, biological & step children, grandchildren, in-laws, nieces, nephews, cousins, if the offender is in a parental role to a victim living in the same household, it is related]
   Any unrelated victim, score 1

ADD the scores for Items 1 – 4; the sum is the score for #19.
[Range = 0 – 6]

Item #23: How to calculate the SSPI score:

1. Using Item 16 (Victim Gender):
   Any male victim, Yes, score 2
   No, score 0

2. Using Item 12 (Total # of Sex Offenses):
   [excluding the current (governing) sex offense]
   More than 1 victim : Yes, score 1
   No, score 0

3. Using Item 15 (Victim Ages) :
   Any victim age 11 or younger, Yes, score 1 [Option 3 on Item 15]
   No, score 0

4. Using Item 17 (Victim Relationship):
   Only related victims, score 0
   [related victims include spouse, biological & step children, grandchildren, in-laws, nieces, nephews, cousins, if the offender is in a parental role to a victim living in the same household, it is related]
   Any unrelated victim, score 1

ADD the scores for Items 1 – 4; the sum is the score for #20.
[Range = 0 – 5]

Item #24: How to calculate the RRA score:

1. Using Item 1 (DOB) and Item 3, determine the man's age at the time that he will be discharged; if he is on probation, determine his age when he first returned to the community.
   Age 25 or Older, score 0
   Age 18 – 24.99, score 1

2. Using Item 12 (Total # of Sex Offenses):
   [excluding the current (governing) sex offense]
   (Inclusive, charge, arrest, conviction not necessary)
   None (No known prior sex offenses), score 0
   1 prior sex offense, score 1
   2 or 3 prior sex offenses, score 2
   4 or more prior sex offenses, score 3

3. Using Item 13 (# of Nonsexual, Battery Offenses):
   (Include Assault, Assault & Battery, Assault with Dangerous Weapon, Robbery, Armed Robbery, Attempted Murder, Manslaughter, Murder, Terrorizing, etc.)
   None, score 0
   1 score 1
   2 or 3, score 2
   4 or more, score 3

4. Using Item 14 (Degree of Violence):
   Only verbal coercion, score 0
   Instrumental force, score 1
   Expressive force, score 2
   Extreme force, score 3

ADD the scores for Items 1 – 4; the sum is the score for #21.
[Range 0 – 10]

Coding Sheet - Maine Project

CON ID # _____ CODERS INITIALS _____

ITEM #	ITEM	SCORE	
1.	DOB		
2.	AI		
3.	DP		Write in # of months
4.	PROB		Write in # of months
5.	CR		
6.	EDU		
7.	MS		
8.	MI		
9.	CF		
10.	AH		
11.	DH		
12.	GO		
13.	ACT		
14.	TNSO		
15.	NSBO		
16.	DOV		
17.	VA		
18.	VG		
19.	VR		
20A.	OCa		
20B.	OCb		
21.	ICL		
22.	RRASOR		
23.	SSPI		
24.	RRA		