

§1881. Inclusion of period of supervised release after imprisonment

1. Mandatory imposition of supervised release. If a person is convicted of gross sexual assault with a person who has not yet attained 12 years of age, in violation of section 253, subsection 1, paragraph C, the court, in addition to imposing as part of the sentence a definite term of imprisonment in accordance with section 253-A, subsection 2, shall impose as part of the sentence a period of supervised release of up to life to immediately follow that imprisonment. The period of supervised release commences on the date the person is released from confinement pursuant to section 2314 and must include the best available monitoring technology for the full period of supervised release. [PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Discretionary imposition of supervised release. If a person is convicted of gross sexual assault in violation of any provision of section 253 other than section 253, subsection 1, paragraph C, the court, if it imposes as part of the sentence a definite term of imprisonment that does not include a period of probation, also may impose as part of the sentence a period of supervised release to immediately follow that imprisonment. The period of supervised release commences on the date the person is released from confinement pursuant to section 2314.

If a person has been convicted of violating any provision of section 253 other than section 253, subsection 1, paragraph C, the authorized period of supervised release is:

A. Any period of years for a person sentenced as a repeat sexual assault offender pursuant to section 253-A, subsection 1; and [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. For a person not sentenced under section 253-A, subsection 1 or 2, a period not to exceed 10 years for a Class A violation of section 253 and a period not to exceed 6 years for a Class B or Class C violation of section 253. [PL 2019, c. 113, Pt. A, §2 (NEW).]

[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Modification of requirements. During the period of supervised release specified in the sentence made pursuant to subsections 1 and 2, and upon application of a person on supervised release or the person's probation officer, or upon the court's own motion, the court, after notice to the probation officer and the person on supervised release and a hearing, may modify the requirements imposed by the court, add further requirements authorized by section 1882 or relieve the person on supervised release of any requirement imposed by the court that, in its opinion, imposes on the person an unreasonable burden.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Ex parte modification of requirements for immediate necessity. Notwithstanding subsection 3, the court may grant, ex parte, a motion brought by the probation officer of the person on supervised release to add further requirements if the court determines that all reasonable efforts have been made to give written or oral notice to the person on supervised release and the requirements are immediately necessary to protect the safety of an individual or the public. Any requirements added pursuant to an ex parte motion do not take effect until written notice of the requirements, along with written notice of the scheduled date, time and place when the court will hold a hearing on the added requirements, is given to the person on supervised release.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Termination by court. On application of the person on supervised release or the person's probation officer, or on the court's own motion, and if warranted by the conduct of the person, the court may terminate a period of supervised release and discharge the person at any time earlier than that provided in the sentence made pursuant to subsections 1 and 2. A termination and discharge may not be ordered unless notice of the motion is given to the probation officer and the attorney for the State. A termination and discharge relieves the person on supervised release of any obligations imposed by the sentence of supervised release.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

6. Termination to prevent delay of consecutive term of imprisonment. The court, in order to comply with section 1608, subsection 7, shall terminate a period of supervised release that would delay commencement of a consecutive unsuspended term of imprisonment.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

7. Revoked period of supervised release to be served in prison. The court may revoke a period of supervised release pursuant to section 1883 for any ground specified in subsection 8. If the court revokes a period of supervised release, the court shall require the person to serve time in prison under the custody of the Department of Corrections. This time in prison may equal all or part of the period of supervised release, without credit for time served on post-release supervision. The remaining portion of the period of supervised release that is not required to be served in prison, if any, may not run during the time in prison and must resume again after the person's release and is subject to revocation at a later date.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

8. Grounds for revocation. The court may revoke a period of supervised release for:

A. A violation of supervised release; [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. Criminal conduct committed during the term of imprisonment; or [PL 2019, c. 113, Pt. A, §2 (NEW).]

C. Refusal during the term of imprisonment to actively participate, when requested to do so by the Department of Corrections, in a sex offender treatment program in accordance with the expectations and judgment of the treatment providers. [PL 2019, c. 113, Pt. A, §2 (NEW).]

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

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