

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(Filing No. H-514)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "B" to H.P. 1629, L.D. 1832, Bill, "AN ACT to Amend the Laws Relating to Criminal History Record Information."

Amend the bill by inserting before the statement of fact the following:

'Sec. 4. 17-A MRSa §1157 is enacted to read:

§1157. Criminal history reports

When a person is convicted of a criminal homicide in the first or 2nd degree or of a Class A, B or C crime, the clerk of the court shall obtain and shall furnish to the court, prior to the imposition of sentence on that person, a criminal history report on that person from the State Bureau of Investigation setting forth all available information of prior criminal prosecutions, if any, of that person and the disposition of each prosecution. This report, as furnished to the court, shall not contain <-----> any information of prior criminal prosecutions, if any, of that person in which that person was found not guilty by the court or jury. Each

report furnished to the court pursuant to this section shall be certified as authentic by the director of the State Bureau of Investigation or his designee and any report so certified shall be prima facie evidence that the contents of the report represent the criminal history of the defendant.

Prior to the imposition of sentence, any report furnished to a court under this section shall be made available to the defendant and his counsel for inspection.

Statement of Fact

Presently, there is no requirement for a court to review a defendant's record prior to setting a sentence. This could result in a mis-sentence when a mandatory sentence is required for a 2nd or subsequent conviction, as in the case of a 2nd conviction for burglary.

Filed by Mr. Gray of Rockland.

Reproduced and distributed under the direction of the Clerk of the House.

6/6/77

(Filing No. H-514)