



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 652

H.P. 481

House of Representatives, January 30, 1997

An Act to Create a Repeat Offender Provision Addressing Crimes of Violence against People.

Reference to the Committee on Criminal Justice suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative POVICH of Ellsworth.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §212, as amended by PL 1995, c. 694, Pt. D, §23 and affected by Pt. E, §2, is repealed.

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Sec. 2. 17-A MRSA §1252, sub-§9 is enacted to read:

8 9. If the State pleads and proves that at the time any crime under chapter 9, 11, 13 or 27 was committed the defendant had committed and been convicted of 2 or more crimes violating 10 chapter 9, 11, 13 or 27, or essentially similar crimes in other jurisdictions, then the sentencing class for such a crime is one 12 class higher than it would otherwise be. In the case of a Class A crime, the sentencing class is not increased, but the prior 14 record may be given serious consideration by the court in imposing sentence. For purposes of this section, the dates of 16 the prior convictions may precede the commission of the offense being enhanced by no more than 10 years, although both prior 18 convictions may have occurred on the same date. The date of a conviction is deemed to be the date that sentence was imposed, 20 even though an appeal was taken. The date of the commission of the offense being enhanced is presumed to be that date stated in 22 the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent. 24

SUMMARY

Current laws raise the classification of a Class D crime to 30 a Class C crime if that crime is committed against a member of the actor's family and the actor has 2 or more prior convictions 32 of an offense against a person within the previous 5 years. This bill repeals that provision.

This bill enhances the sentencing class for all Class B, C, D and E crimes in chapters 9, 11, 13 and 27 of the Maine Criminal 36 Code, regardless of who the victim is, if the offender, within the prior 10 years, has had 2 or more convictions for violation 38 of those same chapters or for essentially similar crimes in other For a Class A crime in those chapters, this bill 40 jurisdictions. the same prior convictions be given serious requires that consideration by court in exercising its sentencing 42 a The prior convictions may have occurred on the same discretion. The date of the commission of the 44 date in the same court. offense is presumed to be the date alleged in the charging 46 instrument.

Page 1-LR1188(1)