

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 106

H.P. 82

House of Representatives, January 11, 2005

An Act To Provide Equity in the State Contribution to County Jail Expenses

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FLETCHER of Winslow.
Cosponsored by Senator COURTNEY of York and
Representatives: BROWNE of Vassalboro, FITTS of Pittsfield, McCORMICK of West
Gardiner, NUTTING of Oakland, RICHARDSON of Skowhegan, RINES of Wiscasset.

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

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4 **Sec. 1. 17-A MRSA §1252, sub-§1, ¶¶A and B**, as enacted by PL 1989, c. 693, §5, are amended to read:

6 A. For a ~~Class D or~~ Class E crime the court must specify a county jail as the place of imprisonment.

8 B. For a Class A, Class B ~~or~~, Class C or Class D crime the court must:

12 (1) Specify a county jail as the place of imprisonment if the term of imprisonment is 9 6 months or less; or

14 (2) Commit the person to the Department of Corrections if the term of imprisonment is more than 9 6 months.

18 **Sec. 2. 17-A MRSA §1252, sub-§7**, as enacted by PL 1989, c. 693, §7, is amended to read:

20 7. If a sentence to a term of imprisonment in a county jail is consecutive to or is to be followed by a sentence to a term of imprisonment in the custody of the Department of Corrections, the court imposing either sentence may order that both be served in the custody of the Department of Corrections. If a court imposes consecutive terms of imprisonment ~~for Class D or Class E crimes~~ and the aggregate length of the terms imposed is ~~one-year~~ 6 months or more, the court ~~may~~ shall order that they be served in the custody of the Department of Corrections.

30 **Sec. 3. 34-A MRSA §1210-B** is enacted to read:

32 **§1210-B. Funding**

34 The Legislature shall annually appropriate to each jail authority an amount sufficient to supplement amounts distributed pursuant to section 1210-A so that the total from both funding sources reimburses the jail authority for:

40 1. Prisoners committed to county facilities. The jail authority's average total cost of the support of prisoners committed by court to that jail authority's correctional facilities. The average total cost of the support of prisoners committed by court to a jail authority's correctional facilities must be based on the average daily cost of supporting such prisoners in those facilities; and

48 2. Prisoners housed at county facilities. The full cost incurred by the jail authority for the support of prisoners committed to the Department of Corrections but who, as a result

2 of violation of probation or parole, are housed in that jail
3 authority's correctional facilities.

4 For purposes of this section, "jail authority" means the
5 governmental authority responsible for the operation of a jail,
6 whether a county government or the Lincoln and Sagadahoc
7 Multicounty Jail Authority.

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10 **SUMMARY**

11 This bill provides that persons sentenced to more than 6
12 months incarceration must be committed to the Department of
13 Corrections. Persons sentenced to less than 6 months are
14 committed to county jail. The current breakpoint is 9 months.
15 This bill also requires that the Legislature appropriate amounts
16 to supplement distributions from the County Jail Prisoner Support
17 and Community Corrections Fund so that the combined funding
18 reimburses the county for the average total cost of the support
19 of prisoners committed by court to that county's correctional
20 facilities and the full cost of the support of prisoners
21 committed to the Department of Corrections but who, as a result
22 of violation of probation or parole, are housed in the county
23 jail.
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