

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 268

H.P. 171

House of Representatives, January 28, 2025

**An Act to Restore Sentencing Discretion to the Judiciary by
Removing Mandatory Minimum Sentences of Incarceration**

Received by the Clerk of the House on January 23, 2025. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SINCLAIR of Bath.

Cosponsored by Representatives: BECK of South Portland, LEE of Auburn, SATO of Gorham.

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

2 **Sec. 1. 17-A MRSA §1613** is enacted to read:

3 **§1613. Judicial discretion**

4 **1. Term of imprisonment under this Title.** Beginning January 1, 2026,
5 notwithstanding any provision of law to the contrary, the court shall exercise judicial
6 discretion in imposing a sentencing alternative that includes a term of imprisonment under
7 this Title. Beginning January 1, 2026, any provision of this Title that requires the court to
8 impose a mandatory term of imprisonment is deemed to require the court to exercise
9 judicial discretion and to determine and impose a sentence of imprisonment that may be
10 less than the length that is stated as mandatory.

11 **2. Term of imprisonment under other Titles.** Beginning January 1, 2026,
12 notwithstanding any provision of law to the contrary, the court shall exercise judicial
13 discretion in imposing a sentence of a term of imprisonment under any provision of any
14 other Title. Beginning January 1, 2026, any provision of any other Title that requires the
15 court to impose a mandatory term of imprisonment is deemed to require the court to
16 exercise judicial discretion and to determine and impose a sentence of imprisonment that
17 may be less than the length that is stated as mandatory.

18 **Sec. 2. Report and legislation.** The Criminal Law Advisory Commission,
19 established pursuant to the Maine Revised Statutes, Title 5, section 12004-I, subsection 52
20 and referred to in this section as "the commission," shall review the Maine Revised Statutes
21 and compile a list of all provisions that require a court of this State in sentencing a person
22 for a violation of law to impose a mandatory term of imprisonment. The commission shall
23 submit a report by December 3, 2025 to the Joint Standing Committee on Criminal Justice
24 and Public Safety listing all provisions of all Titles in the Maine Revised Statutes that
25 require the court to impose a mandatory term of imprisonment and providing proposed
26 language to change the mandatory term of imprisonment into a maximum term of
27 imprisonment as determined in the discretion of the court. After receiving and reviewing
28 the report of the commission, the Joint Standing Committee on Criminal Justice and Public
29 Safety may introduce legislation related to the report to the Second Regular Session of the
30 132nd Legislature.

31 **SUMMARY**

32 This bill provides for the exercise of judicial discretion beginning January 1, 2026 to
33 change all mandatory terms of imprisonment for persons sentenced beginning on that date
34 to maximum terms of imprisonment. The bill applies to all Titles of the Maine Revised
35 Statutes.

36 The bill directs the Criminal Law Advisory Commission to review the Maine Revised
37 Statutes and compile a list of all provisions that require a court of this State in sentencing
38 a person for a violation of law to impose a mandatory term of imprisonment. The Criminal
39 Law Advisory Commission is required to submit a report by December 3, 2025 to the Joint
40 Standing Committee on Criminal Justice and Public Safety listing all provisions of all Titles
41 in the Maine Revised Statutes that require the court to impose a mandatory term of
42 imprisonment and providing proposed language to change the mandatory term of
43 imprisonment into a maximum term of imprisonment as determined in the discretion of the

1 court. After receiving and reviewing the report of the Criminal Law Advisory Commission,
2 the Joint Standing Committee on Criminal Justice and Public Safety may introduce
3 legislation related to the report to the Second Regular Session of the 132nd Legislature.