

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)

ROS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

The Governor shall appoint an executive director who is the chief executive officer of the board. In addition to responsibilities as chief executive officer, the executive director is responsible for assisting the board with creating and maintaining parole guidelines for parole evaluations and assessments consistent with section 5826 and up-to-date evidence-based best practices. The executive director serves at the pleasure of the Governor. Except as otherwise provided, the executive director shall, at the direction of the board, hire personnel as necessary to administer this subchapter.

1. Citizens and residents. ~~Are citizens~~ Each member of the board must be a citizen and residents a resident of the State; and,

~~2. Training or experience. Have special training or experience in law, sociology, psychology or related branches of social science.~~

3. Demographics, training and experience. Beginning on the effective date of this subsection, the Governor shall make every effort to ensure that:

- A. At least one member of the board is a mental health professional;
- B. At least one member of the board is an attorney licensed to practice law in this State;
- C. At least one member of the board has expertise and experience in the clinical treatment of individuals who commit sexual violence offenses;
- D. At least one member of the board is a member of a historically disadvantaged racial population of the State;
- E. At least one member of the board is a woman; and
- F. At least one member of the board is a formerly incarcerated individual.

All other members of the board must have special training or experience in law, sociology, psychology or a related branch of social science.

Sec. A-5. 34-A MRSA §5203, as enacted by PL 1983, c. 459, §6, is amended to read:

§5203. Terms

~~The terms of the members of the board are; governed by the provisions of this section.~~

1. Four years; reappointment. ~~Four~~ Members are appointed for terms of 4 years plus the time period until their successors have been appointed and qualified; or and may be reappointed. A member may not be appointed to serve more than 2 consecutive 4-year terms. A member continues to serve until that member has been reappointed or a successor has been appointed and qualified.

~~2. Pleasure of Governor. During the pleasure of the Governor.~~

Sec. A-6. 34-A MRSA §5206, as enacted by PL 1983, c. 459, §6, is amended to read:

§5206. Meetings

1. Chairman Chair. The members of the board shall annually elect a ~~chairman~~ chair who shall preside at all meetings of the board when ~~he~~ is present.

KUS

1 **2. Frequency.** The board shall meet at least once every ~~2 months~~ month and may
2 meet as often as necessary, at such times and places as the ~~chairman~~ board may designate
3 by a majority vote.

4 **3. Quorum.** Any ~~3~~ 5 members constitute a quorum for the exercise of all powers of
5 the board.

6 **Sec. A-7. 34-A MRSA §5208**, as amended by PL 1995, c. 502, Pt. F, §32, is further
7 amended to read:

8 **§5208. Annual report**

9 **1. Preparation of report.** ~~After June 30th of each year, the~~ The commissioner shall
10 prepare a detailed report of the work of the board and of probation and parole activities for
11 the preceding ~~fiscal~~ calendar year and send the report to the Governor as required by
12 subsection 2. Beginning January 2026, the report must include an update on the
13 implementation of subchapter 6 and any data collected and data analysis performed
14 pursuant to section 5832.

15 **2. Commissioner's duty Submission of report.** The commissioner shall send the
16 annual report to the Governor for submission to the joint standing committee of the
17 Legislature having jurisdiction over criminal justice and public safety matters by January
18 15, 2026, and annually thereafter.

19 **Sec. A-8. 34-A MRSA §5211, sub-§1**, as enacted by PL 1983, c. 459, §6, is
20 amended to read:

21 **1. Rules.** The board may ~~promulgate~~ adopt rules, ~~in accordance with the~~
22 ~~Administrative Procedure Act, Title 5, chapter 375,~~ pertaining to its functions set out in
23 this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined
24 in Title 5, chapter 375, subchapter 2-A.

25 **Sec. A-9. 34-A MRSA §5212** is enacted to read:

26 **§5212. Annual training**

27 The board shall arrange for annual training of board members from experts in the field
28 regarding best practices in evaluating applications for parole, in interpreting the results of
29 the evaluations and in designing appropriate conditions of parole.

30 **Sec. A-10. Maine Revised Statutes amended; revision clause.** Wherever in
31 the Maine Revised Statutes the words "State Parole Board" appear or reference is made to
32 that entity or those words, those words are amended to read or mean, as appropriate, "Maine
33 Parole Board" or "board" and the Revisor of Statutes shall implement this revision when
34 updating, publishing or republishing the statutes.

35 **Sec. A-11. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title
36 34-A, section 5203, subsection 1, the Governor shall, for the first 7 appointments made to
37 the Maine Parole Board after the effective date of this Act, specify the calendar year in
38 which each member's term expires in a manner that ensures that the terms of no more than
39 3 members of the board are scheduled to expire in any one calendar year. In no event may
40 the Governor appoint a member to the board for a term exceeding 4 years.

41 **Sec. A-12. Reappointment.** Notwithstanding the Maine Revised Statutes, Title
42 34-A, section 5203, subsection 1, an individual who is a member of the Maine Parole Board

COMMITTEE AMENDMENT

ROS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

on the effective date of this Act may be reappointed by the Governor. After a single reappointment of the member, the term of office for that member must comply with the requirements of Title 34-A, section 5203, subsection 1.

PART B

Sec. B-1. 34-A MRSA c. 5, sub-c. 6 is enacted to read:

SUBCHAPTER 6

PAROLE

§5821. Applicability

This subchapter applies to all persons in the custody of the Department of Corrections, except for persons in the custody of the department pursuant to a sentence imposed under the law in effect prior to January 1, 2027.

§5822. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Abscond.** "Abscond" means, with respect to an individual on parole, the failure to remain within the jurisdiction of the court, unless permission to leave temporarily is granted in writing by the individual's probation and parole officer.

2. **Applicant.** "Applicant" means an individual who has applied for parole pursuant to section 5824.

3. **Comprehensive assessment of risk and suitability.** "Comprehensive assessment of risk and suitability" means an assessment of an individual that is designed to predict the likelihood that, given a certain decision pertaining to parole in an individual's case based on a thorough review of the totality of relevant factors and circumstances pertaining to the individual's conviction, incarceration, application for parole and, if applicable, the individual's activities and behavior since release, the individual will pose a threat to others or engage in criminal behavior, including violent criminal behavior. The assessment must include an assessment of the individual's ability to meet the physical, mental and moral qualifications for parole.

4. **Evidence-based programming.** "Evidence-based programming" means strategies and interventions that have been evaluated using empirical research and have been proven to increase the likelihood of achieving desired outcomes.

5. **Parole plan.** "Parole plan" means an explanation submitted as part of an applicant's application for parole detailing any plans or arrangements made to ensure that the applicant will successfully remain at liberty without violating the law or the conditions of the applicant's parole upon release, which may include details of any housing; employment; treatment; training; and any programs, services or opportunities of which the applicant intends to make use, or any other steps the applicant intends to take in order to support the applicant's successful reintegration upon release.

1 6. Parolee. "Parolee" means an individual who has been released on parole and is at
2 liberty pursuant to the conditions of the parole.

3 7. Victim. "Victim" means a victim of the underlying crime for which a specific
4 applicant or parolee was sentenced to the term of imprisonment for which a period of parole
5 has been requested or has been granted.

6 **§5823. Parole by board**

7 1. Authority to grant or revoke parole. With respect to an individual sentenced after
8 the effective date of this subchapter, the board may, by a majority vote, grant or revoke
9 parole as provided in this subsection.

10 A. The board may grant parole from a correctional facility and impose conditions of
11 parole on an applicant who satisfies the eligibility requirements set forth in section
12 5824, subsections 1 and 2.

13 B. The board may revoke parole or modify the conditions of parole in accordance with
14 section 5827 when a parolee violates a condition of that parolee's parole.

15 2. Duration of parole. When the board grants a parole, upon release, the parolee shall
16 serve the unexpired portion of the parolee's sentence, less deductions as provided in Title
17 17-A, chapter 81, subject to the conditions of parole set forth in subsection 3.

18 3. Custody and conditions. While on parole, the parolee is under the custody of the
19 chief administrative officer of the correctional facility from which the parolee was released
20 but under the immediate supervision of, and subject to the rules of, the department and any
21 conditions of parole imposed by the board pursuant to section 5825, subsection 5.

22 **§5824. Application and eligibility for parole; rulemaking**

23 1. General provisions regarding eligibility. Except as provided in subsection 2 and
24 as specified by the board in a parole revocation order, an individual convicted of one or
25 more crimes who is incarcerated and in the custody of the department is eligible for parole
26 upon application if the applicant has completed a parole preparation program offered by
27 the department within 90 days prior to applying for parole and if:

28 A. The individual's sentence was imprisonment for life and the individual has served
29 at least 20 years of that sentence; or

30 B. The individual's aggregate sentence was for a definite term of not less than 10 years,
31 and the individual has served no less than 1/2 of the aggregate, unsuspended portion of
32 that sentence or at least 20 years of that sentence, whichever is less.

33 2. Additional eligibility requirements. In addition to meeting the requirements of
34 subsection 1, paragraph A or B, an applicant who is serving a sentence imposed, at least in
35 part, on the basis of the applicant's conviction for:

36 A. One or more offenses in Title 17-A, chapter 11 or 12 is not eligible for parole unless
37 the applicant has completed intensive, evidence-based programming for sex offenders
38 while incarcerated;

39 B. One or more offenses in which the victim was a family or household member, as
40 defined in Title 19-A, section 4102, subsection 6, is not eligible for parole unless the
41 applicant has completed intensive, evidence-based programming for domestic violence
42 offenders while incarcerated; and

ROS

1 C. One or more offenses in Title 17-A, chapter 11, 12 or 35 in which at least one victim
2 was a minor at the time of the offense is not eligible for parole until all of the minor
3 victims have attained 25 years of age.

4 **3. Parole and parole revocation guidelines; rulemaking.** The board shall, by rule,
5 develop parole guidelines for use by the board in evaluating applications for parole as
6 described in section 5826 and parole revocation guidelines as described in section 5828 for
7 use by the board in considering revocation of parole.

8 **§5825. Procedure**

9 **1. Maine Administrative Procedure Act.** Except as provided in this subchapter, the
10 Maine Administrative Procedure Act, Title 5, chapter 375 governs all actions taken under
11 this chapter.

12 **2. Preliminary review.** Upon a preliminary review and determination that an applicant
13 is eligible for parole as described in section 5824, subsections 1 and 2, the board shall
14 schedule a hearing to be held within 60 days after the date that the application was
15 submitted or within 60 days after the date that the applicant appears to have met the
16 eligibility requirements of section 5824, subsections 1 and 2, whichever is later.

17 **3. Mandatory discovery.** No later than 30 days before the date of the hearing, the
18 department shall provide copies to the applicant or to the applicant's counsel, if any, of all
19 documents that the department submitted to the board in response to the application. The
20 department may withhold the current address or location of a victim from the applicant or
21 the applicant's counsel if the department has a good faith belief that such disclosure may
22 compromise the safety of the victim.

23 **4. Decision.** The board shall notify the applicant and the department in writing of its
24 final decision on the application within 45 days after the date of the hearing.

25 **5. Parole granted; conditions of parole.** If, after the hearing, the board grants the
26 parole application, the board shall impose conditions of parole in accordance with the
27 provisions of this subsection.

28 **A.** The conditions imposed by the board must include each of the mandatory conditions
29 that would apply to release on supervised community confinement set forth in section
30 3036-A, subsection 3, paragraphs A to I.

31 **B.** In addition to the mandatory conditions under paragraph A, if the board determines
32 based on the nature and circumstances of the offense that led to the parolee's
33 incarceration and the individual characteristics and criminal history of the parolee that
34 a condition in subparagraphs (1) to (3) is necessary to mitigate the risk that the parolee
35 will again violate the law, the conditions imposed by the board may include the
36 following:

37 **(1)** To the extent that the board determines that the parolee has financial resources,
38 a requirement that the parolee pay part or all of the costs to the State of the parolee's
39 parole;

40 **(2)** Any condition that may be imposed as a condition of probation pursuant to
41 Title 17-A, section 1807; and

42 **(3)** Any condition that the board determines would be appropriate for the parolee.

ROS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

6. Parole denied. If, after the hearing, the board denies the parole application, the board shall notify the applicant and the department, in writing, of the reasons for the denial and specify the date, which must be between one and 5 years after the date of the denial, after which the applicant may submit a new application for parole. In fixing this date, the board shall consider the input from the victim, if any, and the application of the parole guidelines. The board shall specify in the written notice of the denial the parole guideline factors that weighed against the applicant and the specific programs the applicant must complete or other activities the applicant must undertake to succeed in a subsequent parole application.

§5826. Parole guidelines

1. Parole guidelines. In accordance with the requirements of this section, the board shall, by rule, develop parole guidelines describing the risk assessment criteria that the board must consider in evaluating an application for parole.

2. Comprehensive assessment of risk and suitability. The parole guidelines must require that each applicant be evaluated through a comprehensive assessment of risk and suitability. The guidelines must direct that the outcome of the comprehensive assessment of risk and suitability is the central factor that the board must consider in making decisions related to parole. The board shall use the members' expertise and discretion in establishing these guidelines and shall develop the guidelines for the purposes of evaluating each applicant with respect to at least the following criteria:

A. Whether there is a reasonable probability that, if the applicant is released at a specific time, the applicant will live and remain at liberty without violating the law;

B. Whether the release of the applicant at a specific time is incompatible with the welfare of society;

C. Whether there is a substantial risk that the applicant will not conform to the conditions of parole;

D. Whether the applicant has demonstrated good behavior and significant efforts to rehabilitate or otherwise contribute to the likelihood of the applicant's successful reintegration with society, including by having participated in available work or educational opportunities or treatment programs or through other efforts as may be recognized by the board;

E. Whether the release of the applicant at a specific time would be likely to depreciate the seriousness of the applicant's crime or promote disrespect for the law;

F. Whether the applicant's continued incarceration is necessary to sufficiently ensure the applicant's ability to lead a law-abiding life when released at a later date;

G. Whether the release of the applicant at a specific time would be likely to have an adverse effect on institutional discipline;

I. The applicant's conduct while in custody, including the performance of any community service;

J. The adequacy of the applicant's parole plan;

K. Whether, while the applicant has been in custody, the applicant has threatened or harassed the victim or the victim's family or has caused the victim or the victim's family to be harassed by another person;

ROS

1 L. Whether the applicant has previously absconded or escaped or attempted to abscond
2 or escape while on conditional release;

3 M. Whether the applicant completed or worked toward completing a high school
4 diploma, a high school equivalency diploma, a college degree or a graduate degree
5 while the applicant was in custody; and

6 N. Any other factor the board determines appropriate or necessary to achieve a
7 comprehensive understanding of the applicant's risk and suitability for parole.

8 The board has the discretion to determine the extent to which each criterion listed in this
9 subsection contributes to the board's ultimate decision in an applicant's case.

10 **3. Other factors.** In addition to the comprehensive risk and suitability assessment
11 described in subsection 2, the parole guidelines must require that the board consider at least
12 the following additional criteria in making its decision regarding the timing of and
13 conditions of release on parole:

14 A. Any testimony or written statement from the victim, the victim's designee or a
15 relative of the victim;

16 B. The testimony or written statement of a prospective parole sponsor, employer or
17 other person who is available to assist the applicant if the applicant is released on
18 parole; and

19 C. Any aggravating or mitigating factors from the conviction leading to the applicant's
20 current incarceration, including whether the applicant was under 18 years of age at the
21 time of the crime.

22 **4. Parole guidelines for applicants convicted of sex offenses.** The board shall, by
23 rule, develop separate parole guidelines that the board must consider in evaluating an
24 application for parole from an applicant who is serving a sentence imposed, at least in part,
25 on the basis of the applicant's conviction for one or more offenses in Title 17-A, chapter
26 11, 12 or 35.

27 **5. Parole guidelines for applicants convicted of domestic violence offenses.** The
28 board shall, by rule, develop separate parole guidelines that the board must consider in
29 evaluating an application for parole from an applicant who is serving a sentence imposed,
30 at least in part, on the basis of the applicant's conviction for one or more offenses in which
31 the victim was a family or household member as defined in Title 19-A, section 4102,
32 subsection 6.

33 **6. Guidelines for board to adopt standards and conduct business.** The board shall
34 adopt standards for evaluating outcomes of its parole decisions and shall conduct its
35 business in a manner that is accessible to victims, applicants, criminal justice professionals
36 and the community. The board shall develop and use forms for recording a decision
37 whether to grant or to deny parole and, if parole is granted, identifying the conditions of
38 parole, that accurately capture the board's rationale, including how the board applied the
39 parole guidelines. The board shall ensure that the identity of any victim and any input
40 received from the victim is confidential and protected from display during any board
41 hearing and on any form that may become part of an applicant's record.

42 **7. Coordination of risk and needs.** The board shall coordinate parole conditions and
43 services with the assessed risk and needs as determined under the parole guidelines.

hjs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

§5827. Violation of conditions of parole

1. Summons for violation. If a probation and parole officer has probable cause to believe that a parolee has violated a condition of parole and the officer does not believe there is a direct threat to public safety, the officer shall serve a summons on the parolee directing the parolee to appear before the board for a parole revocation hearing and shall provide a copy of the summons to the board.

2. Arrest and detention for violation. If a probation and parole officer has probable cause to believe that a parolee has violated a condition of parole and the officer believes there is a direct threat to public safety, the officer may arrest and charge the parolee with a violation of a condition of parole, take the parolee into custody and detain the parolee.

3. Parole revocation hearing. Upon notification of a summons issued pursuant to subsection 1 or an arrest under subsection 2, the executive director shall determine whether a probation revocation proceeding, administrative release revocation proceeding or supervised release revocation proceeding has also been initiated with respect to the parolee pursuant to Title 17-A, chapter 67. If at any point during a parole revocation proceeding under this section the executive director determines a revocation proceeding pursuant to Title 17-A, chapter 67 has been initiated with respect to the parolee, the board shall inform the court of the revocation. If no revocation proceeding pursuant to Title 17-A, chapter 67 has been initiated with respect to the parolee, the board shall schedule a parole revocation hearing to be held within 30 days of the date that the board is notified of a summons issued pursuant to subsection 1 or an arrest issued pursuant to subsection 2. Upon motion of the parolee, the department or the board, the board may extend the date of the hearing once, for no more than 30 days, for good cause shown. If the board extends the hearing date as provided in this subsection, it shall send a notice of the new hearing date and the reason for the extension to the department, to the parolee and, if counsel has entered an appearance for the parolee before the board, to the parolee's counsel.

4. Deductions forfeited upon revocation. If the board revokes a parolee's parole, the parolee forfeits any deductions under Title 17-A, section 2305 or 2307 earned while on parole.

5. Earning deductions. While an individual is serving the unexpired portion of a sentence after parole has been revoked, the individual may earn deductions pursuant to Title 17-A, chapter 81.

6. Jurisdiction. A court of competent jurisdiction in which a probation revocation proceeding, administrative release revocation proceeding or supervised release revocation proceeding pursuant to Title 17-A, chapter 67 has been initiated with respect to a parolee has exclusive jurisdiction over any parole revocation proceeding regarding the parolee.

7. Counsel. A parolee who has been arrested for an alleged violation of parole has the right to be represented by counsel at the parole revocation hearing, and if requested, the court shall appoint counsel for an indigent party if the party is not already represented.

§5828. Parole revocation guidelines

1. Parole revocation guidelines. In accordance with the requirements of this section, the board shall, by rule, develop parole revocation guidelines describing the criteria that the board must consider during a parole revocation hearing.

ROS

1 **2. Comprehensive assessment of risk and suitability.** The parole revocation
2 guidelines must require that each parolee subject to a parole revocation hearing be
3 evaluated through a comprehensive assessment of risk and suitability and that the outcome
4 of the assessment is the central factor that the board must consider, after finding that a
5 parolee violated a condition of the parolee's parole, in deciding whether to revoke parole
6 or to modify the conditions of the parolee's parole. Through the assessment, the board shall
7 evaluate the parolee with respect to whether public safety and respect for the law can
8 adequately be protected by modifying the conditions of the parolee's parole or whether
9 revocation of the parolee's parole is necessary. The board shall use the members' expertise
10 and discretion in establishing these guidelines and shall develop the guidelines for the
11 purposes of evaluating each parolee with respect to, at least, the following criteria:

12 A. The seriousness and frequency of the parolee's violations of the conditions of parole;

13 B. Whether the parolee has been charged with or convicted of committing a crime while
14 released on parole;

15 C. The parolee's efforts to comply with any sanctions imposed under section 5827 for
16 a technical violation of a condition of parole and with any modified conditions of parole
17 imposed by the board under section 5827 for a previous violation of a condition of
18 parole;

19 D. Any mitigating factors, including substance use disorder or mental health
20 conditions, that may have contributed to the parolee's violation of a condition of parole;
21 and

22 E. Any other factor that the board determines appropriate or necessary.

23 The board has the discretion to determine the extent to which each criterion listed in this
24 subsection contributes to the board's ultimate decision to revoke or to modify the conditions
25 of a parolee's parole.

26 **3. Time before reapplying for parole.** The parole revocation guidelines must include
27 guidelines for the board to apply when deciding the time that must expire before a parolee
28 whose parole has been revoked may reapply for parole in accordance with section 5824.

29 **§5829. Sentence for crime committed by parolee**

30 Except as otherwise specified by a court imposing the sentence for a new crime, a
31 parolee who commits a new crime while on parole and who is sentenced to the custody of
32 the department for the new crime must serve the sentence for the new crime concurrently
33 with the unexpired portion of the sentence that was the subject of the parolee's parole.

34 **§5830. Discharge from parole**

35 A parolee who faithfully satisfies all of the conditions of parole and who completes the
36 parolee's sentence is entitled to a certificate of discharge to be issued by the chief
37 administrative officer of the correctional facility to which the parolee was committed.

38 **§5831. Victim rights**

39 **1. Notice.** The Office of Victim Services, established in section 1214 and referred to
40 in this section as "the office," shall make reasonable efforts to notify each victim of the
41 following with respect to the relevant applicant or parolee:

42 A. That the applicant has applied for parole;

KOS

- 1 B. The date of each parole hearing or parole revocation hearing;
- 2 C. The outcome of each parole hearing, including information on any conditions of
- 3 parole imposed by the board if parole was granted, and the outcome of each parole
- 4 revocation hearing;
- 5 D. The fact that the applicant has submitted a petition under Title 5, chapter 375,
- 6 subchapter 7 for judicial review of a board decision denying parole; and
- 7 E. The outcome of any petition for judicial review of a board decision denying parole.

8 **2. Rights.** When providing a notice under subsection 1, the office shall provide a victim
9 with a pamphlet that summarizes in everyday language the provisions of this subchapter;
10 informs the victim of any services or supports available to the victim and clearly explains
11 how to access these services and supports, including any restorative justice programs,
12 victim advocacy services and counseling for victims provided either by the department or
13 by independent victim support organizations; and informs the victim that the victim has the
14 following rights:

15 A. The victim may testify in person at the parole hearing or have another person of the
16 victim's choosing read the victim's testimony at the parole hearing. If the victim
17 testifies in person at or attends the parole hearing, the victim may be accompanied by
18 a support person and may, with the assistance of the office, request that the board
19 conduct the hearing outside of a correctional facility and request that the board exclude
20 the applicant from the room during the victim's testimony; and

21 B. If the victim does not wish to testify at the parole hearing or have another person
22 read the victim's testimony at the parole hearing, the victim may, prior to the parole
23 hearing, submit to the office written or recorded testimony or may revise or retract any
24 written or recorded testimony previously submitted to the office. The office shall
25 submit to the board the most recent written or recorded testimony received from the
26 victim under this paragraph for consideration during the parole hearing.

27 **3. Records.** Any written or recorded testimony received by the board or by the office
28 under this section may not be included in the applicant's or the parolee's records maintained
29 by the department or a correctional facility.

30 **§5832. Collection and analysis of data**

31 **1. Outcome data and analysis.** The board shall develop and implement a process to
32 collect and analyze data related to the board's determinations or decisions for granting,
33 denying or revoking parole. Any data related to victim identification or victim input that
34 is personally identifiable to the applicant or parolee or the applicant's or parolee's case must
35 be maintained and kept confidential by the board and may be released only to other
36 government agencies, pursuant to a nondisclosure agreement, for purposes of analysis and
37 reporting only.

38 **2. Recidivism data.** When the board grants parole, the board shall collect data related
39 to the type of reentry programs provided as part of the parolee's parole plan and whether
40 the parolee is rearrested or returned to the correctional facility for a violation of a condition
41 of parole or for a new criminal conviction.

42 **3. Record of conformance with or departure from guidelines.** The board shall
43 determine whether a decision granting or denying parole conformed with or departed from

COMMITTEE AMENDMENT

1 the parole guidelines developed under section 5826 and whether a decision revoking or not
2 revoking parole conformed with or departed from the parole revocation guidelines
3 developed under section 5828.

4 **4. Reporting.** The board shall provide the data collected pursuant to this section to the
5 commissioner for inclusion in the annual report required by section 5208, subsection 1.
6 Using the data collected pursuant to this subsection, the department shall assist the board
7 in identifying specific factors that are necessary to the board's parole decision-making
8 process and shall assist the board in securing training to facilitate the board's future decision
9 making.

10 **5. Notice to correctional facility.** The board shall provide a copy of any decision to
11 grant or deny parole and of any decision to revoke or not to revoke parole to the correctional
12 facility from which a parolee was paroled or in which an applicant resides, as applicable.

13 **PART C**

14 **Sec. C-1. 17-A MRSA §1603, sub-§1,** as enacted by PL 2019, c. 113, Pt. A, §2, is
15 amended to read:

16 **1. Sentence.** A person convicted of the crime of murder must be sentenced to
17 imprisonment for life, with or without the possibility of parole, or for any term of years that
18 is not less than 25. The sentence of the court must specify the length of the sentence to be
19 served and must commit the person to the Department of Corrections.

20 **Sec. C-2. 17-A MRSA §1604, sub-§2, ¶A,** as enacted by PL 2019, c. 113, Pt. A,
21 §2, is amended to read:

22 A. In the case of the Class A crime of aggravated attempted murder, the court shall set
23 a term of imprisonment under section 152-A, subsection 2 of life, with or without the
24 possibility of parole, or a definite period of any term of years;'

25 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
26 number to read consecutively.

27 **SUMMARY**

28 This amendment replaces the bill and clarifies provisions of the bill in the following
29 ways.

30 1. It establishes an effective date of January 1, 2027;

31 2. It limits the applicability of this legislation to persons in the custody of the
32 department of corrections pursuant to a sentence imposed on or after January 1, 2027;

33 3. It requires the executive director of the Maine Parole Board to create and maintain
34 parole guidelines for parole evaluations and assessments consistent with the Maine Revised
35 Statutes and up-to-date evidence-based best practices in the field of parole evaluations and
36 assessments.

37 4. It requires that at least one member of the board be a member of a historically
38 disadvantaged racial population of the State and that at least one member be a woman.

39 5. It adds a definition for "comprehensive assessment of risk and suitability" and
40 clarifies that the parole guidelines require a comprehensive assessment of risk and
41 suitability evaluation as part of an application for parole and for revocation of parole.



132nd MAINE LEGISLATURE

LD 1941

LR 1826(03)

An Act to Implement Recommendations of the Commission to Examine Reestablishing Parole

Fiscal Note for Bill as Amended by Committee Amendment "C" (H-979)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Future biennium cost increase - General Fund

Correctional and Judicial Impact Statements

The Judicial Branch does not anticipate an increase in the number of cases filed as a result of this legislation. However, there may be an increase in the length of hearings and court time. Any additional workload can be managed within existing budgeted resources.

Fiscal Detail and Notes

The Department of Corrections will require a General Fund appropriation of \$1,182,690 in fiscal year 2031-32 for 18 Probation Officer positions, one Secretary Specialist position, one Advocate position and related All Other costs to establish parole for individuals sentenced to the custody of the Department of Corrections after May 1, 1976.