

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

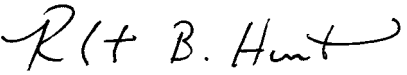
No. 1941

H.P. 1300

House of Representatives, May 7, 2025

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

Reference to the Committee on Judiciary suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative MILLIKEN of Blue Hill.
Cosponsored by Senator DUSON of Cumberland and
Representatives: MATHIESON of Kittery, PLUECKER of Warren, SARGENT of York,
SAYRE of Kennebunk, SINCLAIR of Bath, WARREN of Scarborough, Senators: BEEBE-
CENTER of Knox, TALBOT ROSS of Cumberland.

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

PART A

Sec. A-1. 5 MRSA §12004-G, sub-§7, as enacted by PL 1987, c. 786, §5, is amended to read:

7.

Corrections State Maine Parole Board Legislative Per 34-A MRSA
Diem §5201

Sec. A-2. 34-A MRSA §5001, sub-§1, as enacted by PL 1983, c. 459, §6, is amended to read:

1. Board. "Board" means the ~~State~~ Maine Parole Board.

Sec. A-3. 34-A MRSA §5201, as amended by PL 1989, c. 503, Pt. B, §160, is further amended to read:

§5201. Establishment

There is established, by Title 5, section 12004-G, subsection 7, within the Department of Corrections, ~~a State the Maine~~ Parole Board, consisting of ~~5~~ 7 members.

Sec. A-4. 34-A MRSA §5202, as enacted by PL 1983, c. 459, §6, is amended to read:

§5202. Appointment

The Governor shall appoint as the 5 7 members of the board persons who: meet the requirements of this section, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and confirmation by the Legislature.

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 the racial and gender demographic makeup of the board reflects the racial and gender demographic makeup of the individuals who were in the custody of the department and within correctional facilities as reported by the commissioner during the previous calendar year. At least one member of the board must be a mental health professional; at least one member of the board must be an attorney licensed to practice law in this State; at least one member of the board must have expertise and experience in the clinical treatment of individuals who commit sexual violence offenses; and at least one member of the board must be a formerly incarcerated individual. All other members of the board must have special training or experience in law, sociology, psychology or related branches of social science.

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

§5203. Terms

1 The terms of the members of the board are: governed by the provisions of this section.

2 **1. Four years; reappointment.** ~~Four~~ Members are appointed for terms of 4 years
3 ~~plus the time period until their successors have been appointed and qualified; or and may~~
4 ~~be reappointed. A member may not be appointed to serve more than 2 consecutive 4-year~~
5 ~~terms. A member continues to serve until that member has been reappointed or a successor~~
6 ~~has been appointed and qualified, except that a member may not serve for more than 8~~
7 ~~consecutive years.~~

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

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

11 **§5206. Meetings**

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

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

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

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

21 **§5208. Annual report**

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

28 **2. Commissioner's duty Submission of report.** The commissioner shall send the
29 annual report to the Governor for submission to the joint standing committee of the
30 Legislature having jurisdiction over criminal justice and public safety matters by January
31 15, 2026, and annually thereafter.

32 **Sec. A-9. 34-A MRSA §5211, sub-§1**, as enacted by PL 1983, c. 459, §6, is
33 amended to read:

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

38 **Sec. A-10. 34-A MRSA §5212** is enacted to read:

39 **§5212. Annual training**

40 The board shall arrange for annual training of board members from experts in the field
41 regarding best practices in evaluating applications for parole, in interpreting the results of

1 the evaluations, in evaluating the validity of actuarial evidence-based risk assessments as
2 defined in section 5822, subsection 2 and in designing appropriate conditions of parole.

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

9 **Sec. A-12. Reappointment.** Notwithstanding the Maine Revised Statutes, Title
10 34-A, section 5203, subsection 1, an individual who is a member of the State Parole Board
11 on the effective date of this Act may be reappointed by the Governor. After a single
12 reappointment of the member, the term of office for that member must comply with the
13 requirements of Title 34-A, section 5203, subsection 1.

14 **Sec. A-13. Maine Revised Statutes amended; revision clause.** Wherever in
15 the Maine Revised Statutes the words "State Parole Board" appear or reference is made to
16 that entity or those words, those words are amended to read or mean, as appropriate, "Maine
17 Parole Board" or "board" and the Revisor of Statutes shall implement this revision when
18 updating, publishing or republishing the statutes.

19 **PART B**

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

21 **SUBCHAPTER 6**

22 **PAROLE**

23 **§5821. Applicability**

24 This subchapter applies to all persons in the custody of the Department of Corrections,
25 except for persons in the custody of the department pursuant to a sentence imposed under
26 the law in effect prior to May 1, 1976.

27 **§5822. Definitions**

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

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

33 **2. Actuarial evidence-based risk assessment.** "Actuarial evidence-based risk
34 assessment" means a validated, evidence-based tool created and modified as necessary to
35 predict the likelihood that an individual will pose a threat to others or engage in different
36 types of criminal behavior, including violent criminal behavior, within a given time period.

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

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

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

7 **§5823. Parole by board**

8 **1. Authority to grant or revoke parole.** The board may, by majority vote, grant or
9 revoke parole as provided in this subsection.

10 A. The board may grant parole from a correctional facility after the expiration of the
11 term of imprisonment, less deductions as provided in Title 17-A, chapter 81.

12 B. The board may grant parole from a correctional facility to and impose conditions of
13 parole on an applicant who satisfies the eligibility requirements set forth in section
14 5824, subsections 1 and 2.

15 C. The board may revoke parole or modify the conditions of parole when a parolee
16 violates a condition of that parolee's parole.

17 **2. Duration of parole.** When the board grants a parole, upon release, the parolee shall
18 serve the unexpired portion of the parolee's sentence, less deductions as provided in Title
19 17-A, chapter 81, subject to the conditions of parole set forth in subsection 3, unless
20 otherwise ordered by the board.

21 **3. Custody and conditions.** While on parole, the parolee is under the custody of the
22 chief administrative officer of the correctional facility from which the parolee was released
23 but under the immediate supervision of and subject to the rules of the department and any
24 conditions of parole imposed by the board pursuant to section 5825, subsection 7.

25 **§5824. Application and eligibility for parole; rulemaking**

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

31 A. The individual's sentence was imprisonment for life with the possibility of parole
32 and the individual has served at least 20 years of that sentence; or

33 B. The individual's aggregate sentence, including any concurrent sentences, was for a
34 definite term of not less than 5 years, and the individual has served no less than 1/3 of
35 the aggregate, unsuspended portion of that sentence or at least 20 years of that sentence,
36 whichever is less.

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

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

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

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

8 **3. Parole and parole revocation guidelines; rulemaking.** The board shall, by rule,
9 develop parole guidelines for use by the board in evaluating applications for parole as
10 described in section 5826 and parole revocation guidelines as described in section 5828 for
11 use by the board in considering revocation of parole.

12 **§5825. Procedure**

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

18 **2. Motion to extend time for hearing.** Upon motion of the applicant, the department
19 or the board, the board may extend the date of the hearing once, for no more than 30 days,
20 for good cause shown. If the board extends the hearing date as provided in this subsection,
21 the board must send notice of the new hearing date and the reason for the extension to the
22 department, to the applicant and, if counsel has entered an appearance for the applicant
23 before the board, to the applicant's counsel.

24 **3. Mandatory discovery.** No later than 30 days before the date of the hearing, the
25 department shall provide copies to the applicant or to the applicant's counsel, if any, of all
26 documents that the department submitted to the board in response to the application.
27 Before providing copies to the applicant or the applicant's counsel, the department shall
28 redact any information made confidential pursuant to law or by order of a court and may
29 also redact any other information if the commissioner concludes that disclosure of that
30 information would jeopardize the health or safety of any person other than the applicant. If
31 any material is redacted, the department shall identify the basis for the redaction and
32 summarize the redacted information to the extent possible without revealing the
33 confidential information or information that would jeopardize the health or safety of any
34 person other than the applicant.

35 **4. Challenge to department's documentary evidence; automatic stay.** No later than
36 10 days after receiving documents pursuant to subsection 3, the applicant may file a motion
37 in the court that imposed the sentence currently being served by the defendant to challenge
38 the accuracy of or redaction by the department of any information in those documents. The
39 applicant shall immediately notify the board and the department of any motion filed under
40 this subsection. The department may file a response within 5 days of receiving the motion.
41 Within 30 days of receiving the motion, the court shall, with or without hearing, issue a
42 decision either denying the motion or ordering that the department correct, modify or
43 supplement the documents, and the court shall provide a copy of the decision to the
44 applicant, the board and the department. The court may, for good cause shown, extend the
45 time for issuing its decision on the motion once by no more than 30 days. If the court

1 orders that the department correct or supplement the documents, the department shall,
2 within 15 days of the date of the court's decision, send copies of the corrected, modified or
3 supplemented documents to the board, the applicant, the applicant's counsel, if any, and
4 any other agency to which the department has, within the preceding 12 months, submitted
5 any of the information in the underlying documents that was the subject of the court-
6 ordered correction, modification or supplementation.

7 The proceedings before the board on an applicant's request for parole are automatically
8 stayed during the pendency of a motion filed under this subsection. The board shall
9 schedule a parole hearing to be held within 30 days after the date that the court enters an
10 order resolving the motion.

11 **5. Hearing procedure.** The hearing on an application for parole must be video
12 recorded, and the applicant may be represented by legal counsel at the hearing. The board
13 may review any documentary evidence submitted by the department in accordance with
14 the requirements of this section and receive testimony from the applicant and testimony
15 from any victim as described in section 5831, subsection 2.

16 **6. Decision.** After considering the evidence presented and after applying the parole
17 guidelines, the board shall notify the applicant and the department in writing of its final
18 decision on the application within 14 days after the date of the hearing.

19 **7. Parole granted; conditions of parole.** If, after hearing, the board grants the parole
20 application, the board shall impose conditions of parole in accordance with the provisions
21 of this subsection.

22 A. The conditions imposed by the board must include each of the mandatory conditions
23 that would apply to release on supervised community confinement set forth in section
24 3036-A, subsection 3, paragraphs A to I.

25 B. In addition to the mandatory conditions under paragraph A, if the board determines
26 based on the nature and circumstance of the offense that led to the parolee's
27 incarceration and the individual characteristics and criminal history of the parolee that
28 a condition in subparagraphs (1) to (3) is necessary to mitigate the risk that the parolee
29 will again violate the law, the conditions imposed by the board may include the
30 following:

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

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

36 (3) Any condition that the board determines would be appropriate for the parolee,
37 except that the conditions may not be more stringent than those that could be
38 constitutionally imposed if the parolee were incarcerated in a maximum security
39 correctional facility.

40 **8. Parole denied; appeal.** If, after hearing, the board denies the parole application,
41 the board shall notify the applicant and the department, in writing, of the reasons for the
42 denial and specifying the date, which must be between one and 5 years after the date of the
43 denial, after which the applicant may submit a new application for parole. In fixing this
44 date, the board shall consider the input from the victim, if any, and the application of the

1 parole guidelines. The board shall specify in the written notice of denial the parole
2 guideline factors that weighed against the applicant and the specific programs the applicant
3 must complete or other activities the applicant must undertake to succeed in a subsequent
4 parole application. The applicant may appeal to the Superior Court from a decision of the
5 board denying the parole application in accordance with Rule 80C of the Maine Rules of
6 Civil Procedure.

7 **§5826. Parole guidelines**

8 **1. Parole guidelines.** In accordance with the requirements of this section, the board
9 shall, by rule, develop parole guidelines describing the risk assessment criteria that the
10 board must consider in evaluating an application for parole. The parole guidelines must
11 include a matrix of parole release decision recommendations for different risk levels.

12 **2. Actuarial evidence-based risk assessment.** The parole guidelines must require that
13 each applicant be evaluated using an actuarial evidence-based risk assessment and direct
14 that the outcome of this assessment is the central factor that the board must consider in
15 making its decision regarding the timing of and conditions of release on parole. The board
16 shall consult with the Permanent Commission on the Status of Racial, Indigenous and
17 Tribal Populations as established by Title 5, section 12004-J, subsection 19 and other
18 relevant persons identified by the permanent commission in selecting an actuarial evidence-
19 based risk assessment, giving due regard to the racial bias inherent in many extant
20 assessments. The board shall, at least once every 5 years, reevaluate the predictive
21 accuracy of the actuarial evidence-based risk assessment as determined by data compiled
22 by the board including, at a minimum, data regarding the recidivism rate of individuals
23 granted parole under this subchapter.

24 **3. Other factors.** In addition to the actuarial evidence-based risk assessment described
25 in subsection 2, the parole guidelines must require that the board consider at least the
26 following additional criteria in making its decision regarding the timing of and conditions
27 of release on parole:

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

30 B. The applicant's program and treatment participation and progress while in custody;

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

33 D. The adequacy of the applicant's parole plan;

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

37 F. The testimony or written statement of a prospective parole sponsor, employer or
38 other person who is available to assist the applicant if the applicant is released on
39 parole;

40 G. Whether the applicant has previously absconded or escaped or attempted to abscond
41 or escape while on conditional release;

1 H. Whether the applicant completed or worked toward completing a high school
2 diploma, a high school equivalency diploma or a college degree while the applicant
3 was in custody;

4 I. Any aggravating or mitigating factors from the conviction leading to the applicant's
5 current incarceration; and

6 J. Any other factor that the board determines appropriate or necessary.

7 **4. Parole guidelines for applicants convicted of sex offenses.** The board shall, by
8 rule, develop separate parole guidelines that the board must consider in evaluating an
9 application for parole from an applicant who is serving a sentence imposed, at least in part,
10 on the basis of the applicant's conviction for one or more offenses in Title 17-A, chapter 11
11 or 12. The parole guidelines developed under this subsection must include a matrix of
12 parole release decision recommendations for different risk levels; must include the
13 adoption of an actuarial evidence-based risk assessment specific to applicants convicted of
14 sex offenses that complies with the requirements of subsection 2; and must require the
15 board to consider additional factors in accordance with subsection 3.

16 **5. Parole guidelines for applicants convicted of domestic violence offenses.** The
17 board shall, by rule, develop separate parole guidelines that the board must consider in
18 evaluating an application for parole from an applicant who is serving a sentence imposed,
19 at least in part, on the basis of the applicant's conviction for one or more offenses in which
20 the victim was a family or household member as defined in Title 19-A, section 4102,
21 subsection 6. The parole guidelines developed under this subsection must include a matrix
22 of parole release decision recommendations for different risk levels; must include the
23 adoption of an actuarial evidence-based risk assessment specific to applicants convicted of
24 domestic violence offenses that complies with the requirements of subsection 2; and must
25 require the board to consider additional factors in accordance with subsection 3.

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

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

37 **§5827. Violation of conditions of parole**

38 **1. Technical violation.** If a parolee violates a condition of parole in a technical
39 manner, as defined by the board by rule, the probation and parole officer may impose any
40 sanction authorized by the board by rule for technical violations.

41 **2. Summons for violation.** If a probation and parole officer has probable cause to
42 believe that a parolee has violated a condition of parole in a manner that does not qualify
43 as a technical violation under subsection 1 and the officer does not believe there is a direct
44 threat to public safety, the officer shall serve a summons on the parolee directing the parolee

1 to appear before the board for a parole revocation hearing and shall provide a copy of the
2 summons to the board.

3 **3. Arrest and detention for violation.** If a probation and parole officer has probable
4 cause to believe that a parolee has violated a condition of parole in a manner that does not
5 qualify as a technical violation under subsection 1 and the officer believes there is a direct
6 threat to public safety, the officer may arrest and charge the parolee with a violation of a
7 condition of parole, take the parolee into custody and detain the parolee, pending issuance
8 of a parole violation warrant under subsection 4. The detention may not extend beyond the
9 next business day and, if the warrant is not issued in that time, the parolee must be released
10 from arrest and detention. If a warrant is issued, the probation and parole officer shall
11 comply with the detention and notice requirements of subsection 4. A parolee arrested and
12 detained on the basis of an alleged violation of a condition of parole does not have a right
13 of action against the officer or against any other person based on the arrest or detention.

14 **4. Issuance of warrant for violation; tolling of sentence.** If a probation and parole
15 officer has probable cause to believe that a parolee has violated a condition of parole in a
16 manner that does not qualify as a technical violation under subsection 1 and the officer
17 believes there is a direct threat to public safety, the commissioner may issue a warrant for
18 the parolee's arrest. If a warrant is issued, a probation and parole officer, or any other law
19 enforcement officer within the State authorized to make arrests, may arrest the parolee and
20 return the parolee to the correctional facility from which the parolee was paroled and notify
21 the board of the arrest. After the issuance of a warrant under this subsection, the running
22 of the parolee's sentence is tolled and remains tolled until the parolee is returned to the
23 correctional facility from which the parolee was paroled. If the warrant is withdrawn before
24 the parolee is arrested, the parolee must be credited with the time lost by the tolling of the
25 running of the parolee's sentence under this subsection.

26 **5. Parole revocation hearing.** The board shall schedule a parole revocation hearing
27 to be held within 30 days of the date that the board is notified of a summons under
28 subsection 2 or an arrest under subsection 4. Upon motion of the applicant, the department
29 or the board, the board may extend the date of the hearing once, for no more than 30 days,
30 for good cause shown. If the board extends the hearing date as provided in this subsection,
31 it must send notice of the new hearing date and the reason for the extension to the
32 department, to the applicant and, if counsel has entered an appearance for the applicant
33 before the board, to the applicant's counsel.

34 **6. Hearing procedure; decision.** The parole revocation hearing must be video
35 recorded. At the hearing, the parolee may be represented by counsel and has the right to
36 present evidence and to present and cross-examine witnesses. If the board finds after
37 hearing that there is clear and convincing evidence demonstrating that the parolee violated
38 a condition of parole as alleged and that the violation was not a technical violation under
39 subsection 1, the board may either modify the conditions of parole or revoke the parole and
40 remand the parolee to the correctional facility from which the parolee was paroled. If the
41 board revokes the parole, the board shall specify the time that must expire before the
42 parolee may reapply for parole in accordance with section 5824. If the board finds after
43 hearing that there is not clear and convincing evidence demonstrating that the parolee
44 violated a condition of parole or that the condition violated was not a technical violation
45 under subsection 1, the underlying parole order remains in effect and, if the parolee was
46 returned to a correctional facility under subsection 4, the parolee must be released and the

1 parolee must be credited with the time lost by the tolling of the running of the parolee's
2 sentence under subsection 4.

3 **7. Deductions forfeited upon revocation.** If the board revokes a parolee's parole under
4 subsection 6, the parolee forfeits any deductions under Title 17-A, section 2305 or 2307
5 earned while on parole.

6 **8. Earning deductions.** While an individual is serving the unexpired portion of a
7 sentence after parole has been revoked under subsection 6, the individual may earn
8 deductions pursuant to Title 17-A, chapter 81.

9 **§5828. Parole revocation guidelines**

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

13 **2. Actuarial evidence-based risk assessment.** The parole revocation guidelines must
14 require that each parolee subject to a parole revocation hearing be evaluated using an
15 actuarial evidence-based risk assessment and direct that the outcome of this assessment is
16 the central factor that the board must consider, after finding that the parolee violated a
17 condition of parole, in deciding whether to revoke parole or to modify the conditions of
18 parole. The board shall consult with the Permanent Commission on the Status of Racial,
19 Indigenous and Tribal Populations as established by Title 5, section 12004-J, subsection 19
20 and other relevant persons identified by the permanent commission in selecting an actuarial
21 evidence-based risk assessment, giving due regard to the racial bias inherent in many extant
22 assessments. The board shall, at least once every 5 years, reevaluate the predictive
23 accuracy of the actuarial evidence-based risk assessment as determined by data compiled
24 by the board including, at a minimum, data regarding the recidivism rate of individuals
25 granted parole under this subchapter.

26 **3. Other factors.** In addition to the actuarial evidence-based risk assessment described
27 in subsection 2, the parole revocation guidelines must require that the board consider at
28 least the following additional criteria in making its decision whether to revoke parole or to
29 modify the conditions of parole:

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

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

33 C. The parolee's efforts to comply with any sanctions imposed under section 5827,
34 subsection 1 for a technical violation of a condition of parole and with any modified
35 conditions of parole imposed by the board under section 5827, subsection 6 for a
36 previous violation of a condition of parole;

37 D. Whether public safety can adequately be protected by modifying the conditions of
38 parole;

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

41 F. Any other factor that the board determines appropriate or necessary.

1 **4. Least restrictive sanction.** The parole revocation guidelines must require, in
2 making a decision whether to revoke parole or to modify the conditions of parole, that the
3 board not revoke parole unless the board determines that public safety cannot adequately
4 be protected by modifying the conditions of parole.

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

8 **§5829. Sentence for crime committed by parolee**

9 Except as otherwise specified by a court imposing the sentence for a new crime, an
10 individual who commits a new crime punishable by imprisonment for one year or more
11 while on parole and who is sentenced to the custody of the department for the new crime
12 must serve the sentence for the new crime concurrently with the unexpired portion of the
13 sentence that was the subject of the individual's parole.

14 **§5830. Discharge from parole**

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

18 **§5831. Victim rights**

19 **1. Notice.** The Office of Victim Services, established in section 1214 and referred to
20 in this section as "the office," shall make a good faith effort to notify each victim of the
21 following with respect to the relevant applicant or parolee:

22 A. That the applicant has applied for parole;

23 B. The date of each parole hearing or parole revocation hearing;

24 C. The outcome of each parole hearing, including information on any conditions of
25 parole imposed by the board if parole was granted, and the outcome of each parole
26 revocation hearing;

27 D. The fact that the applicant has appealed a board decision denying parole; and

28 E. The outcome of any appeal from a board decision denying parole.

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

36 A. The victim may testify in person at the parole hearing or have another person of the
37 victim's choosing read the victim's testimony at the parole hearing. If the victim
38 testifies in person at or attends the parole hearing, the victim may be accompanied by
39 a support person and may, with the assistance of the office, request that the board
40 conduct the hearing outside of a correctional facility and request that the board exclude
41 the applicant from the room during the victim's testimony; and

1 B. If the victim does not wish to testify at the parole hearing or have another person
2 read the victim's testimony at the parole hearing, the victim may, prior to the parole
3 hearing, submit to the office written or recorded testimony or may revise or retract any
4 written or recorded testimony previously submitted to the office. The office must
5 submit to the board the most recent written or recorded testimony received from the
6 victim under this paragraph for consideration during the parole hearing.

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

10 **§5832. Collection and analysis of data**

11 **1. Outcome data and analysis.** The board shall develop and implement a process to
12 collect and analyze data related to the basis for the outcomes of the board's determinations
13 or decisions for granting, denying or revoking parole. Any data related to victim
14 identification or victim input that is identifiable to the applicant or parolee or the applicant's
15 or parolee's case must be maintained and kept confidential by the board and may be released
16 only to other government agencies, pursuant to a nondisclosure agreement, for purposes of
17 analysis and reporting only.

18 **2. Recidivism data.** When the board grants parole, the board also shall collect data
19 related to the type of reentry programs provided as part of the parolee's parole plan and
20 whether the parolee is rearrested or returned to the correctional facility for a violation of a
21 condition of parole or for a new criminal conviction within the 3 years following the
22 parolee's release on parole.

23 **3. Record of conformance with or departure from guidelines.** The board shall
24 determine whether a decision granting or denying parole conformed with or departed from
25 the parole guidelines developed under section 5826 and whether a decision revoking or not
26 revoking parole conformed with or departed from the parole revocation guidelines
27 developed under section 5828. If a decision was a departure from the guidelines, the data
28 collected related to victim identification or victim input are subject to the same protections
29 as in subsection 1.

30 **4. Reporting.** The board shall provide the data collected pursuant to this section to the
31 commissioner for analysis and inclusion in the annual report required by section 5208.
32 Using the data, the department shall assist the board in identifying specific factors that are
33 necessary to the board's parole decision-making process and shall assist the board in
34 securing training to facilitate the board's future decision making.

35 **5. Record keeping.** The board shall provide a copy of any decision granting or
36 denying parole and of any decision revoking or not revoking parole to the correctional
37 facility from which the parolee was paroled.

38 **PART C**

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

41 **1. Sentence.** A person convicted of the crime of murder must be sentenced to
42 imprisonment for life, with or without the possibility of parole, or for any term of years that

1 is not less than 25. The sentence of the court must specify the length of the sentence to be
2 served and must commit the person to the Department of Corrections.

3 **Sec. C-2. 17-A MRSA §1604, sub-§2, ¶A**, as enacted by PL 2019, c. 113, Pt. A,
4 §2, is amended to read:

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

8 **PART D**

9 **Sec. D-1. Applicability.** Notwithstanding the Maine Revised Statutes, Title 34-A,
10 section 5824, a person who is incarcerated and in the custody of the Department of
11 Corrections on the effective date of this Act is not eligible for parole until at least 5 years
12 after the effective date of this Act.

13 **SUMMARY**

14 This bill implements the recommendations of the Commission to Examine
15 Reestablishing Parole, as established by Resolve 2021, chapter 126.

16 Part A of this bill renames the State Parole Board the Maine Parole Board and increases
17 the membership of the board from 5 to 7 members appointed by the Governor, at least one
18 of whom must be a formerly incarcerated individual. It also provides that member
19 appointments must be reviewed by the joint standing committee of the Legislature having
20 jurisdiction over judiciary matters and confirmed by the Legislature, and members must
21 receive annual training regarding best practices in evaluating applications for parole and
22 designing appropriate conditions of parole.

23 Part B of the bill amends the laws governing parole. Current law provides that only
24 individuals in the custody of the Department of Corrections pursuant to a sentence imposed
25 under the law in effect before May 1, 1976 are eligible for parole. As recommended by the
26 Commission to Examine Reestablishing Parole, this bill establishes the option of parole for
27 individuals sentenced to the custody of the Department of Corrections after May 1, 1976.
28 The bill incorporates the concepts of positive reentry parole; research and testimony
29 presented to the Commission to Examine Reestablishing Parole by persons with expertise
30 in victims' rights and advocacy, probation and parole structure and restorative justice; and
31 some of the technical aspects of Maine's existing parole law.

32 Part C of the bill amends the laws governing sentencing to provide that, when a person
33 is sentenced to imprisonment for life, the sentencing court must specify whether the person
34 is or is not eligible for parole.

35 Part D of the bill specifies that a person who is incarcerated and in the custody of the
36 Department of Corrections on the effective date of this legislation is not eligible for parole
37 until at least 5 years after the effective date of this legislation.