

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
107TH LEGISLATURE

COMMITTEE AMENDMENT "A " to S.P. 113, L.D. 314, Bill, "AN ACT Creating the Maine Criminal Code."

Amend said Bill by striking out all of that part designated "§9." of section 1 and by striking out all of the comment under section 9 and inserting in place thereof the following:

'§9. Indictment and jurisdiction

Notwithstanding any other provision of law:

- 1. All proceedings for class A, B and C crimes shall be prosecuted by indictment, unless indictment is waived, in which case prosecution may be by information; and
- 2. All proceedings for criminal homicide in the first degree and in the 2nd degree shall be prosecuted by indictment; and
- 3. The District Courts shall have jurisdiction to try class D and E crimes and to bind over for the grand jury all other crimes.

Comment*

This section declares it to be the Legislature's judgment that the crimes it defines in the 3 most serious classes, plus the 2 most serious criminal homicides, are "infamous" within the meaning of the State Constitution's requirement that infamous crimes must be prosecuted by indictment. Subsection 3 provides the District Courts with the authority to try D and E crimes and to find probable cause and bind over for indictment criminal homicide in the first and 2nd degrees as well as class A, B and C crimes.

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COMMITTEE AMENDMENT^A to S.P. 113, L.D. 314 -2-

Further amend said Bill in that part designated "§1252." of section 1 by striking out all of paragraph D of subsection 2 and inserting in place thereof the following:

'D. In the case of a Class D crime, the court shall set a definite period of less than one year; or'

Further amend said Bill by striking out all of section 2 and inserting in place thereof the following:

'Sec. 2. 15 MRSA §§2, 102, 341, 342, 451, 452, 751, 1701-A, 1703, 1741 to 1743 and 1842 are repealed.'

Statement of Fact

The purposes of this amendment are reflected in the comment which is included with the new section 9 contained in the amendment and to repeal section 1703 of Title 15 of the Revised Statutes and to reduce the maximum definite sentence for conviction of a Class D crime from one year to less than one year.

Reported by the Committee on Judiciary.

Reproduced and distributed pursuant to Senate Rule 11-A.

June 4, 1975

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