

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
107TH LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "A" to S.P. 777 , L.D. 2334 , Bill, "AN ACT to Revise the Maine Criminal Code as Recommended by the Criminal Law Revision Commission."

Amend said Bill in section 26 by striking out in the 3rd line of subsection 4 of that part designated "§104." the underlined words "unlawful conduct" and inserting in place thereof the underlined words 'criminal trespass'

Further amend said Bill by striking out all of section 110 and inserting in place thereof the following:

'Sec. 110. 17-A MRSA §1204^{sub-§2,} as enacted by PL 1975, c. 499, §1, is repealed.

Sec. 110-A. 17-A MRSA §1204, sub-§2-A is enacted to read:

2-A. As a condition of probation, the court in its sentence may require the convicted person:

A. To support his dependents and to meet his family responsibilities

B. To make restitution, in whole or in part, according to the resources and ability to earn of the convicted person, to the victim or victims of his crime, or to the county where the offense is prosecuted where the identity of the victim or victims cannot be ascertained. As used in this subsection, "restitution" includes the money equivalent of property taken from the victim, or property destroyed or otherwise broken or harmed, and out-of-pocket losses attributable to the crime, such as medical expenses or loss of earnings;

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C. To devote himself to an approved employment or occupation;

D. To undergo, as an out-patient, available medical or psychiatric treatment, or to enter and remain, as a voluntary patient, in a specified institution when required for that purpose.

Failure to comply with this condition shall be considered only as a violation of probation and shall not, in itself, authorize involuntary treatment or hospitalization;

E. To pursue a prescribed secular course of study or vocational training;

F. To refrain from criminal conduct or from frequenting unlawful places or consorting with specified persons;

G. To refrain from possessing any firearms or other dangerous weapon;

H. To remain within the jurisdiction of the court, unless permission to leave temporarily is granted in writing by the probation officer, and to notify the probation officer of any change in his address or ^{his} employment;

I. To refrain from drug abuse and excessive use of alcohol;

J. To report as directed to the court or the probation officer, to answer all reasonable inquiries by the probation officer and to permit the officer to visit him at reasonable times at his home or elsewhere;

K. To pay a fine as authorized by chapter 53; or

L. To satisfy any other conditions reasonably related to the rehabilitation of the convicted person or the public safety or security.'

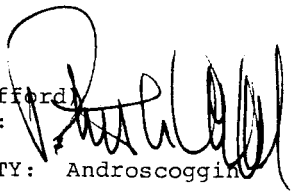
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Statement of Fact

The purpose of this amendment is to correct an oversight in the original draft and to emphasize the public policy of requiring restitution by a convicted person whenever possible by encouraging its use as a condition of probation.

(Clifford)
NAME:



COUNTY: Androscoggin

Reproduced and distributed pursuant to Senate Rule 11-A.

March 29, 1976.

(Filing No. S-488).