

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1305

H. P. 1081

House of Representatives, March 28, 1977

On motion of Mr. Spencer of Standish, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Tarbell of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Authorize Conditional Discharge as a Sentencing Disposition.

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

Sec. 1. 17-A MRSA § 1152, sub-§ 2, ¶ B-1, is enacted to read:

B-1. Conditional discharge as authorized by chapter 49;

Sec. 2. 17-A MRSA § 1201, sub-§ 1, 1st sentence, as repealed and replaced by PL 1975, c. 740, § 109, is amended to read:

A person who has been convicted of any crime may be sentenced to a suspended term of imprisonment with probation or to ~~an~~ a conditional or unconditional discharge, unless:

Sec. 3. 17-A MRSA § 1201, sub-§ 1, ¶ C, as repealed and replaced by PL 1975, c. 740, § 109, is amended to read:

C. The court finds that there is an undue risk that during the period of conditional discharge or probation the convicted person would commit another crime; or

Sec. 4. 17-A MRSA § 1201, sub-§ 2, as enacted by PL 1975, c. 499, § 1, is repealed and the following enacted in its place:

2. Notwithstanding the provisions of section 4, a convicted person who is eligible for sentence under this chapter, as provided in subsection 1, shall be sentenced to probation if he is in need of the supervision, guidance, assistance or direction that probation can provide. If there is no such need, but a proper purpose would be served by imposing a condition on his release, sentencing shall be deferred and he shall be conditionally discharged. If there is no such

need, and no proper purpose would be served by imposing any condition or supervision on his release, he shall be sentenced to an unconditional discharge. A sentence of conditional or unconditional discharge is for all purposes a final judgment of conviction.

STATEMENT OF FACT

This bill would authorize conditional discharge as an appropriate interim disposition of offenders in cases where probation is not necessary, but easily verifiable performance of some appropriate condition is believed a just disposition, e.g., monetary or brief public service restitution.