

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)

FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 714

S. P. 250

In Senate, February 22, 1979

Referred to the Committee on State Government. Sent down for concurrence and ordered printed.

Presented by Senator Pierce of Kennebec.

Cosponsors: Senators Usher of Cumberland, Teague of Somerset, Chapman of Sagadahoc.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Assess a Surcharge on Fines and Penalties for the Operation of the
Maine Criminal Justice Academy.

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

25 MRSA § 2807 is enacted to read:

§ 2807. Criminal Justice Training Fund

There is hereby created in the State Treasury a Criminal Justice Training Fund to be expended exclusively for the costs of operation of the Maine Criminal Justice Academy.

In addition to every fine imposed for a criminal or traffic offense, an additional amount shall be paid by the defendant to the clerk of the court in accordance with the following table:

| Amount of Fine | Amount to Fund |
|-------------------|----------------|
| \$5 to \$14.99 | \$2 |
| \$15 to \$49.99 | \$3 |
| \$50 to \$99.99 | \$4 |
| \$100 to \$199.99 | \$5 |

| | |
|-----------------------|------|
| \$200 to \$299.99 | \$6 |
| \$300 to \$399.99 | \$7 |
| \$400 to \$499.99 | \$8 |
| \$500 to \$599.99 | \$9 |
| \$1,000 to \$1,499.99 | \$10 |
| \$1,500 to \$1,999.99 | \$11 |
| \$2,000 to \$2,499.99 | \$12 |
| \$2,500 to \$2,999.99 | \$13 |
| \$3,000 to \$3,499.99 | \$14 |
| \$3,500 to \$3,999.99 | \$15 |
| \$4,000 to \$4,499.99 | \$16 |
| \$5,000 or more | \$17 |

Where multiple offenses are involved, the penalty assessment shall be based upon the total fine or bail for all offenses. When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

When bail is made and is forfeited, the amount of the assessment, as indicated by the formula, shall be transmitted by the clerk of the court to the State Treasury or the county treasury, as the case may be, and thence to the State Treasury, pursuant to this section.

After a determination by the court of the amount due, the clerk of the court shall collect that amount and transmit it to the State Treasury or the county treasury, as the case may be, and thence to the State Treasury, to be deposited in the Criminal Justice Training Fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the State by a county.

In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge may waive all or part of the penalty assessment the payment of which would work hardship on the person convicted or on his immediate family.

STATEMENT OF FACT

This bill enacts a penalty assessment statute for criminal justice training. The bill is necessary because:

1. Under the present level of funding, the Maine Criminal Justice Academy is currently unable to meet its obligation under Maine law;
2. The number of applications to the academy's municipal and county police school exceeds by almost double the available seats in the 12-week school. The

academy is presently budgeted to train 3 schools of 35 students per fiscal year. Figures from the report "Crime in Maine 1978" show a total of 1,944 sworn law enforcement officers in the State. Statistics from the Maine Criminal Justice Data Center show a state turnover rate, for 1977, of 15.2% or 204 individuals. These figures do not include State Police personnel;

3. The Legislature, in its special session in 1978, mandated training for all full-time corrections officers. This statute was established without appropriation for training. Reimbursement moneys of \$50,000 were included to their parent agency to supplement salaries of the trainees. This level of training must be met if the academy is to meet the requirements of the law;

4. The academy has no money budgeted for in-service training programs for full-time law enforcement and corrections officers which training is mandated under Maine law. Hence, this statute provision has not been implemented, except for occasional LEAA, (MCJPAA) funded programs; and

5. In the area of training for criminal justice personnel, probation and parole and courts, both of which are included in the statutory concept of the academy as a criminal justice training facility, very little has been done.

The proposed "Penalty Assessment Statute for Criminal Justice Training" is supportable for the following reasons:

1. The need for additional revenue to offer more training programs per year and to have the State assume a greater percentage of the training cost of local full-time law enforcement and corrections officers. This would be done by providing reimbursement to local agencies for a percentage of salary cost while the officer is in training; for example, the State of California currently reimburses up to 60% for salary costs while local officers are in training;

2. There are 13 states which currently have a penalty assessment statute to provide revenue for the training of law enforcement and corrections officers. They are, with the following revenues:

| State | State Population (approx.) | No. of full-time law enforcement officers (approx.) | Revenue from penalty assessment statute (approx.) |
|---------------|----------------------------|---|---|
| California | 20,907,000 | 40,000 | \$11,810,650 (FY 75-76) |
| Florida | 6,789,443 | 21,539 | No Report |
| Washington | 3,400,000 | 5,000 | 1,900,000 |
| Arizona | 2,153,000 | 5,600 | 937,836 (FY 73-74) |
| Indiana | 5,193,669 | 10,018 | 650,000 |
| Massachusetts | 5,689,170 | 15,490 | No Report |
| New Hampshire | 737,681 | 1,574 | 300,000 |

| | | | |
|----------------|-----------|--------|----------------------|
| Oregon | 2,260,000 | 4,500 | 727,786 (FY 73-74) |
| South Carolina | 2,784,000 | 4,000 | 1,012,323 (FY 73-74) |
| Nebraska | 1,483,791 | 2,778 | 237,000 (FY 73-74) |
| Oklahoma | 2,559,253 | 5,682 | No Report |
| Wisconsin | 4,417,933 | 10,447 | 2,000,000 |
| Georgia | 4,589,575 | 10,806 | No Report |

By comparison Maine would be:

| | | | |
|-------|-----------|-------|-------------------------------------|
| Maine | 1,000,000 | 1,900 | 300,000 (conservative estimate); |
|-------|-----------|-------|-------------------------------------|

3. Additional revenue would allow the academy board of trustees to provide and mandate in-service training for Maine full-time law enforcement officers. This mandate of law, Title 25, section 2805, subsection 3, has not been implemented in the 6-year history of the law due to lack of resources;

4. Additional revenue would allow the academy to be less dependent on volunteer instructors which, in addition to inherent problems of scheduling, is a costly practice to loaning agencies, particularly the Maine State Police which provides hundreds of hours of instruction to the academy per year;

5. Additional revenues would allow the academy to continue and expand the operation of the academy's Media Resource Center which loans, at no fee, training films and equipment, provides research and loans publications to all Maine criminal justice agencies; and

6. The proposed penalty assessment for criminal justice training has been supported and endorsed by the Governor's Advisory Committee on the Problems in Law Enforcement.