

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)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

(EMERGENCY)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2024

H.P. 1539

House of Representatives, January 31, 1984

Submitted by the Department of Corrections pursuant to Joint Rule 24.
Reference to the Committee on Judiciary is suggested and ordered
printed.

EDWIN H. PERT, Clerk

Presented by Representative Manning of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FOUR

AN ACT to Amend Calculation of
Period of Imprisonment.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, in the First Regular Session, the Legislature enacted legislation concerning the sentencing of convicted persons; and

Whereas, that legislation authorized the court to commit those persons to the Department of Corrections but neglected to authorize the court to commit to county jail facilities; and

Whereas, this omission impedes the efficient use of judicial sentencing powers and unnecessarily burdens the Department of Corrections; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 Sec. 1. 17-A MRSa §1252, sub-§1, as repealed and
10 replaced by PL 1983, c. 581, §4, is amended to read:

11 1. In the case of a person convicted of a crime
12 other than murder, the court may sentence to impris-
13 onment for a definite term as provided for in this
14 section, unless the statute which the person is con-
15 victed of violating expressly provides that the fine
16 and imprisonment penalties it authorizes may not be
17 suspended, in which case the convicted person shall
18 be sentenced to imprisonment and required to pay the
19 fine authorized therein. The sentence of the court
20 shall specify the term to be served and shall commit
21 the person to either the Department of Corrections or
22 a county jail. The court may also order that the ini-
23 tial unsuspended portion of a split sentence to the
24 Department of Corrections be served at a county jail.

25 Sec. 2. 17-A MRSa §1253, sub-§1, as amended by
26 PL 1983, c. 456, §1, is further amended to read:

27 1. The sentence of any person committed to the
28 custody of the Department of Corrections shall com-
29 mence to run on the date on which such person is re-
30 ceived into the custody of the department pursuant to
31 that sentence. The sentence of any person committed
32 to the custody of a sheriff a county jail shall com-
33 mence to run on the date on which that person is re-
34 ceived into the custody of the sheriff pursuant to
35 that sentence.

36 Emergency clause. In view of the emergency cited
37 in the preamble, this Act shall take effect when ap-
38 proved.

1

STATEMENT OF FACT

2

This bill clarifies split sentences, the Revised Statutes, Title 17-A, section 1203, in that even though the person is sentenced to the Department of Corrections by the court, he may be committed to a county jail to serve the initial unsuspended portion of a split sentence and the mittimus shall so designate the county jail.

3

4

5

6

7

8

9

Public Law 1983, c. 581, which, as passed last session, contained an error in section 4. When the statute involved, the Revised Statutes, Title 17-A, section 1252, subsection 1, was amended to require commitment to the Department of Corrections rather than a particular institution, the opportunity to sentence an individual to a county jail was omitted. It is in the department's best interest to allow courts to sentence some prisoners to county jails. Public Law, 1983, c. 581, does not become effective until January 16, 1984.

10

11

12

13

14

15

16

17

18

19

20

This bill clarifies the terminology "custody of a sheriff." In this instance, it refers to a person committed to a county jail and not detention custody awaiting transportation the same as the reference in the Revised Statutes, Title 17-A, section 1253, as it pertains to the custody of the Department of Corrections.

21

22

23

24

25

26

27

5586011984