

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 793

6
7 S.P. 304

In Senate, February 28, 1985

8 Referred to the Committee on Judiciary. Sent down for concurrence and
9 ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Gill of Cumberland.

Cosponsored by Senator Carpenter of Aroostook, Representative
11 Macomber of South Portland and Representative Stetson of Damariscotta.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT Concerning the Classification of
18 Crimes Committed with a Dangerous
19 Weapon.
20

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

23 17-A MRSA §1252, sub-§4, as amended by PL 1977,
24 c. 510, §78, is further amended to read:

25 4. If the State pleads and proves that a Class
26 B, C, D or E crime was committed with the use of a
27 dangerous weapon, then the sentencing class for ~~such~~
28 that crime is classified one class higher than it
29 would otherwise be, for both sentencing purposes and
30 for criminal record purposes. In the case of a Class
31 A crime committed with the use of a dangerous weapon,
32 ~~such that~~ use should be given serious consideration
33 by the court in exercising its sentencing discretion.
34 This subsection ~~shall~~ does not apply to a violation
35 or an attempted violation of section 208 or to any
36 offense for which the sentencing class is otherwise

1 increased because the actor or an accomplice to his
2 knowledge is armed with a firearm or other dangerous
3 weapon.

4 STATEMENT OF FACT

5 This bill eliminates recent defense arguments
6 that, for example, a Class D crime remains a Class D
7 crime, but with Class C sentencing limits attached.
8 This bill makes it clear that the use of a dangerous
9 weapon elevates the crime one classification for all
10 purposes. Thus, a conviction for a crime which has
11 been elevated to Class C because of the use of a dan-
12 gerous weapon could, for example, be used in any fu-
13 ture prosecution for possession of a firearm by a
14 felon, pursuant to the Revised Statutes, Title 15,
15 section 393.

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