

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 815

6
7 S.P. 326

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.

11 Cosponsored by Representative Macomber of South Portland, Senator
Carpenter of Aroostook and Representative Lebowitz of Bangor.

12 STATE OF MAINE
13

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

17 AN ACT Relating to Theft Offenses.
18

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

21 Sec. 1. 17-A MRSA §362, sub-§3, ¶C, as repealed
22 and replaced by PL 1981, c. 317, §10, is repealed.

23 Sec. 2. 17-A MRSA §362, sub-§3-A is enacted to
24 read:

25 3-A. Theft, or any attempt at theft, is a Class
26 C crime if the actor has 2 prior convictions for any
27 combination of theft, any violation of section 702,
28 703 or 708 or any violation of section 401 in which
29 the crime intended to be committed inside the struc-
30 ture is theft, any violation of section 651 or at-
31 tempts thereat. For purposes of this subsection, the
32 dates of both of the prior convictions must precede
33 the commission of the offense being enhanced, al-
34 though both prior convictions may have occurred on
35 the same day. This subsection does not apply if the

1 commission of the 2 prior offenses occurred within a
2 3-day period. The date of a conviction shall be
3 deemed the date that sentence is imposed, even though
4 an appeal was taken. The date of a commission of pri-
5 or offenses shall be presumed to be that stated in
6 the complaint, information or indictment, notwith-
7 standing the use of the words "on or about" or the
8 equivalent.

9 STATEMENT OF FACT

10 This bill adds prior convictions for burglary
11 with the intent to commit theft and robbery, a crime
12 in which theft or attempted theft is always an ele-
13 ment, to those already listed to be used in classify-
14 ing new theft charges as Class C. This change is in
15 keeping with the intent of the original section,
16 namely that persons with a history of at least 2 pri-
17 or property theft offenses should be charged with
18 Class C offenses in any new theft conduct. This bill
19 also allows new attempted theft offenses to be
20 charged as Class C, which is consistent with the pol-
21 icy determination that prior attempted theft convic-
22 tions may be used in classifying new theft offenses
23 as Class C.

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