

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 157

S.P. 74

In Senate, February 2, 1987

Reference to the Committee on JUDICIARY suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator GAUVREAU of Androscoggin.
Cosponsored by Representative PARADIS of Augusta,
Representative WARREN of Scarborough, Representative MARSANO of
Belfast.

STATE OF MAINE

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

AN ACT Concerning Enhancement of Theft
Penalties Based on Prior Convictions.

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

17-A MRSA §362, sub-§3-A, as enacted by PL 1985, c. 239, §2, is amended to read:

3-A. Theft, or any attempt at theft, is a Class C crime if the actor has 2 prior Maine convictions for any combination of theft, any violation of section 702, 703 or 708 or any violation of section 401 in which the crime intended to be committed inside the structure is theft, any violation of section 651 or attempts thereat. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 10 years, although both prior convic-

1 tions may have occurred on the same day. This sub-
2 section does not apply if the commission of the 2
3 prior offenses occurred within a 3-day period. The
4 date of a conviction shall be deemed the date that
5 sentence is imposed, even though an appeal was taken.
6 The date of a commission of prior offenses shall be
7 presumed to be that stated in the complaint, informa-
8 tion or indictment, notwithstanding the use of the
9 words "on or about" or the equivalent.

10

STATEMENT OF FACT

11 The purpose of this bill is to restrict the ap-
12 plication of a penalty enhancement provision of the
13 Maine Criminal Code.

14 Under current law, theft is a Class C crime, re-
15 gardless of the value of the property taken, if the
16 offender has 2 prior Maine convictions for a
17 theft-like offense. The occurrence of the 2 prior
18 convictions is not limited to any time period. This
19 bill provides that, for this penalty enhancement pro-
20 vision to apply to a theft crime, the 2 prior convic-
21 tions must precede the date of the commission of the
22 offense being enhanced by no more than 10 years.

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