

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1229

H.P. 917 House of Representatives, April 10, 1987
Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative SOUCY of Kittery.

STATE OF MAINE

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

1 AN ACT to Strengthen the Victim's Ability to
2 Address the Court at a Criminal
3 Sentencing.
4

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

7 Sec. 1. 17-A MRSA §1257, sub-§2, as enacted by
8 PL 1983, c. 352, §2, is amended to read:

9 2. Victim; right to be heard at sentencing. In
10 any case where a defendant has been convicted of a
11 crime or has had his plea or negotiated plea pursuant
12 to the Maine Rules of Criminal Procedure, Rule
13 11(e)(1)(A), accepted by the court and a victim of
14 the crime is present in the courtroom at the time of
15 sentencing, the victim upon his request shall have
16 the right to address the court. If the victim is un-

1 able or unwilling to appear in the courtroom, he may
2 submit a written statement to the court which shall
3 become part of the record. The prosecutor may inform
4 the court of the victim's statement, if any, at the
5 time of sentencing. The court shall consider any
6 statements made by the prosecutor or victim, along
7 with all other appropriate factors, in determining
8 the sentence.

9 Sec. 2. 17-A MRSA §1257, sub-§2-A is enacted to
10 read:

11 2-A. Victim; right to be heard at time of nego-
12 tiated plea. At the time a plea agreement is pre-
13 sent to a court which includes a recommendation of
14 the type specified in the Maine Rules of Criminal
15 Procedure, Rule 11(e)(1)(B), (e)(1)(C) or (e)(1)(D),
16 and a victim of the crime is present in the courtroom
17 at the time of presentation, the victim, upon his re-
18 quest, shall have the right to address the court. If
19 the victim is unable or unwilling to appear in the
20 courtroom, he may submit a written statement to the
21 court which shall become part of the record. The
22 prosecutor may inform the court of the victim's
23 statement, if any, at the time of sentencing. The
24 court shall consider any statements made by the pros-
25 ecutor or victim, along with all other appropriate
26 factors, in determining whether to accept the recom-
27 mendation presented to it.

28 Sec. 3. 17-A MRSA §1257, sub-§3, as enacted by
29 PL 1983, c. 352, §2, is amended to read;

30 3. Notification of victim. To encourage victim
31 participation in sentencing, the prosecutor shall,
32 whenever practicable, notify any victim of the time
33 and place of sentencing after trial or upon a plea or
34 negotiated plea done pursuant to the Maine Rules of
35 Criminal Procedure, Rule 11 (e)(1)(A), or notify any
36 victim of the time and place that a negotiated plea
37 done pursuant to the Maine Rules of Criminal Proce-
38 dure, Rule 11(e)(1)(B), (C) or (D), will be presented
39 to the court.

1 STATEMENT OF FACT

2 Under the current law, some victims whose cases
3 are plea bargained by the prosecutor are not notified
4 of that fact in advance of sentencing; or if they are
5 told in advance and are unhappy with the terms that
6 the prosecutor and the defendant have agreed upon,
7 the victims are lead to believe that there is nothing
8 the victims can do. This bill makes it clear that
9 prosecutors who plea bargain cases must, whenever
10 practicable, notify the victim of the crime concern-
11 ing the fact of the plea bargain, as well as notify
12 the victim of the time and place of sentence so that
13 the victim who wishes to do so may appear and address
14 the sentencing court.

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