

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1987

S.P. 728

In Senate, January 7, 1988

Submitted by the Department of Corrections pursuant to
Joint Rule 24.

Reference to the Committee on Judiciary suggested and
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator GILL of Cumberland.

Cosponsored by Representative KIMBALL of Buxton,
Representative MELENDY of Rockland, Representative MANNING of
Portland.

STATE OF MAINE

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

AN ACT Relating to Sentences with
Intensive Supervision.

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

6 17-A MRSA §1262, sub-§1, as enacted by PL 1985,
7 c. 821, §15, is amended to read:

8 1. The court may sentence a person to a term of
9 imprisonment, not to exceed the maximum term

1 authorized for the crime, an initial portion of which
2 shall be for one year 6 months or more, to be
3 served with intensive supervision, and the remainder,
4 which shall not be less than 2 years one year,
5 suspended with probation, as authorized by chapter
6 49. As to both the initial unsuspended portion and
7 the suspended portion, the court shall commit the
8 person to the Department of Corrections. If the
9 initial unsuspended portion is for more than one
10 year 6 months, intensive supervision shall apply only
11 to the final year portion of the initial
12 unsuspended portion term, with the intensive
13 supervision portion ranging from 6 to 18 months. That
14 portion of the initial unsuspended term not to be
15 served on intensive supervision shall be served in
16 institutional confinement.

17 STATEMENT OF FACT

18 Under present law, an individual must be sentenced
19 to a minimum of 3 years to the Department of
20 Corrections, one year to be served under intensive
21 supervision followed by 2 years' suspended sentence
22 while on probation. A first time felon would not
23 usually receive a 3-year sentence. Defense attorneys
24 would not agree to a 3-year sentence in order for
25 their client to be sentenced to the Intensive
26 Supervision Program. By reducing the requirement to 6
27 to 18 months on the program, followed by a minimum of
28 one year's suspension while on probation, the courts
29 are given more flexibility in considering people for
30 the program while not sacrificing public safety or
31 security.

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