

L.D. 2312 1 2 (Filing No. H- 720) STATE OF MAINE 3 4 HOUSE OF REPRESENTATIVES 5 113TH LEGISLATURE 6 SECOND REGULAR SESSION COMMITTEE AMENDMENT "H" to H.P. 1683, L.D. 2312, 7 Bill, "AN ACT to Increase the Penalties for Class A, B 8 and C Crimes ." 9 10 Amend the bill by striking out all of the title 11 and inserting in its place the following: 12 'AN ACT to Amend the Sentencing Provisions of the 13 Maine Criminal Code.' Further amend the bill by striking out everything after the enacting clause and inserting in its place 14 15 16 the following: 17 'Sec. 1. 17-A MRSA \$1252, sub-§2, ¶A, as 18 enacted by PL 1975, c. 499, §1, is amended to read: 19 In the case of a Class A crime, the court Α. 20 shall set a definite period not to exceed 2θ 40 21 years; 22 Sec. 2. 17-A MRSA \$1252-B is enacted to read: 23 §1252-B. Imposition of sentence; court consideration 24 of good time 25 If a court imposes а sentencing alternative pursuant to section 1152 which includes a term of 26 27 imprisonment, in setting the appropriate length of

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1	that term, as well as any unsuspended portion of that
2	term, if any, the court shall consider the potential
3	impact of deductions for good time along with all
4	other appropriate factors.
5 6	Sec. 3. Effective date. Section 1 of this Act shall become effective on July 1, 1989.
7	FISCAL NOTE

Enactment of this bill could have a significant future fiscal impact to the State. The Department of 8 9 Corrections estimates, using "current sentencing practices," that the increase in the average daily 10 11 12 offender population would be 133 by the 1996, 222 by 13 the year 2,000. Using current operational and capital 14 construction costs, \$51 per day per offender and \$120,000 per maximum security cell, the estimated fiscal impact would be \$2,475,800 in operational costs 15 16 and \$16,000,000 in construction costs by 1996, rising 17 to \$4,133,000 operational and \$26,640,000 in capital construction by the year 2,000. These costs are not adjusted for inflation. 18 19 20

21 Conflicting information, however, would indicate 22 that:

1. The number of offenders affected by this bill
would be smaller than the Department of Corrections'
estimates;

The bill would not automatically double the 26 2. length of sentence for every Class A offender. Judicial discretion is expanded. However, a judge who 27 28 currently imposes a 10-year sentence for a Class A offense, for which 20 years is allowable by law, is 29 30 unlikely 20-year to begin handing down 31 highly sentences for the same offense after enactment of this 32 33 bill;

34 3. No notable increase in average daily offender 35 population is likely to occur as a result of this bill 36 until at least 10 years after its enactment. It is 37 the "close-to-maximum" sentences that are most likely 38 to be affected; and

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1 4. Every Class A offender is not necessarily a 2 maximum security risk, requiring a \$120,000 cell.

3 That there will be some future fiscal impact to 4 the Department of Corrections as a result of this bill 5 is certain. The amount of the impact and when it will 6 occur are very much open to question.'

STATEMENT OF FACT

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8 This amendment increases the penalty for Class A 9 crimes from 20 years to 40 years. Class A crimes 10 consist of robbery, rape, gross sexual misconduct, 11 arson, attempted murder, manslaughter and burglary of 12 a dwelling when armed with a firearm. This section of 13 the amendment is effective July 1, 1989.

14 The amendment specifically recognizes that judges 15 do not have sufficient discretion when dealing with 16 the most heinous and violent crimes that are committed 17 against a person. The amendment does not increase the 18 penalties for crimes committed against property.

19 At the present time, violent and brutal crimes 20 against women and children are punished by a maximum 21 sentence of 20 years. Because of the operation of 22 Maine's good time law, the maximum period of actual 23 incarceration is 13 years and 4 months. In some 24 cases, good time may reduce the sentence by as much as 25 50%.

This amendment recognizes that judges should have an available range of sentence that requires the court to take into consideration the extent that the good time laws impact upon the sentence imposed upon the most serious and violent criminals.

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Reported by the Majority of the Committee on Judiciary Reproduced and distributed under the direction of the Clerk of the House 4/15/88 (Filing No. H-720)