

MAINE STATE LEGISLATURE

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L.D. 2381

(Filing No. H- 609)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1736, L.D. 2381,
Bill, "AN ACT to Improve Supervision of Prison
Furloughs."

Amend the bill by striking out all of the title
and inserting in its place the following:

'AN ACT Relating to Prison Furloughs.'

Further amend the bill in section 1, in subsection
2, in the first and 2nd lines (page 1, line 8 and page
2, line 1 in L.D.) by striking out the following:
"subsections 5 to 9" and inserting in its place the
following: 'subsection 5'

Further amend the bill by striking out all of
section 2 and inserting in its place the following:

'Sec. 2. 34-A MRSA §3035, sub-§5 is enacted to
read:

5. Time served before furlough. No furlough may
be granted until the offender has served 50% of the
original sentence imposed, after consideration of any
good time that the offender has received and retained
under Title 17-A, section 1253. This section does not
apply to furloughs granted under subsection 2,
paragraph B or C.'

COMMITTEE AMENDMENT "A" to H.P. 1736, L.D. 2381

1 Further amend the bill by inserting at the end
2 before the statement of fact the following:

3 'Sec. 3. Application. This Act applies only to
4 persons convicted and sentenced after the effective
5 date of this Act.'

6 STATEMENT OF FACT

7 This amendment rewrites the original bill to
8 delete the proposed supervisory role of the courts
9 over the granting of furloughs to prison inmates. The
10 decision of whether or not to grant furloughs is a
11 function reserved to the executive branch of
12 government. The amendment also deletes the provision
13 that required the Department of Corrections to refuse
14 to grant a furlough to any inmate who had violated a
15 condition of any release under a previous furlough;
16 that decision is left to the department's discretion
17 under this amendment.

18 The amendment also modifies the requirements
19 regarding the minimum amount of time served in prison
20 before a furlough may be granted to an inmate. Under
21 the amendment, an inmate must have served at least 1/2
22 of his court-imposed sentence, after considering the
23 effect that good-time credits will have on the amount
24 of time that the inmate will actually serve in
25 prison. This ensures that the inmate will not be
26 eligible for a furlough until he has served
27 approximately 1/2 of his actual term of imprisonment.

28 Finally, the amendment adds an application section
29 to clarify that the bill is intended to apply only to
30 persons who are convicted and sentenced after the bill
31 takes effect.

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