

	L D 1004
2	L.D. 1996
4	(Filing No. S- 527)
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8	STATE OF MAINE SENATE
10	114TH LEGISLATURE SECOND REGULAR SESSION
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14	COMMITTEE AMENDMENT " ^A " to S.P. 771, L.D. 1996, Bill, "An Act to Make Certain Housekeeping Changes to Various Punishment Sections of the Maine Criminal Code"
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18	Amend the bill in section 1 in subsection 1 by striking out all of paragraph B (page 1, lines 20 to 24 in L.D.) and inserting in its place the following:
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22	'B. For a Class A, Class B or Class C crime the court must:
24	(1) Specify a county jail as the place of imprisonment for any portion of the sentence that is 9 months or
26	less; and
28	(2) Commit the person to the Department of Corrections for any portion of the sentence that is more than 9 months.'
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32	Further amend the bill in section 5 in subsection 1 by striking out all of paragraph B (page 2, lines 37 to 41 in L.D.) and inserting in its place the following:
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36	'B. For a Class A. Class B or Class C crime the court must:
38	(1) Specify a county jail as the place of imprisonment if the term of imprisonment is 9 months or less; or
40	(2) Commit the person to the Department of Corrections if the term of imprisonment is more than 9 months.
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44	STATEMENT OF FACT
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48	This amendment clarifies that for a Class A, Class B or Class C crime, a court must specify a place of imprisonment based on the length of the sentence imposed.

COMMITTEE AMENDMENT "A" to S.P. 771, L.D. 1996

2 The Maine Revised Statutes, Title 17-A, section 1203, subsection 1, governs impositions of split sentences, which are sentences consisting of both suspended and unsuspended periods of 4 imprisonment. The court must specify where the total amount of 6 the sentence will be served, even if part of the sentence is suspended. To meet that requirement, this amendment replaces 8 paragraph B to clearly state that if any portion, suspended or unsuspended, is 9 months or less, the court must specify that 10 that portion of the sentence is assigned to the county jail. If any portion, suspended or unsuspended, is more than 9 months, the court must specify that for that portion, the person is committed 12 to the Department of Corrections.

Title 17-A, section 1252, subsection 1, governs straight sentences, which are sentences that are either all suspended or 16 all unsuspended. Again, the court must specify whether the defendant is committed to the Department of Corrections or the 18 county jail, and that determination rests on the length of the sentence. This amendment replaces paragraph B to parallel the 20 paragraph governing split sentences, and clarifies that for straight sentences of more than 9 months, the defendant must be 22 committed to the Department of Corrections. For shorter sentences, the court must specify the county jail. 24

Reported by Senator Hobbins for the Committee on Judiciary. Reproduced and Distributed Pursuant to Senate Rule 12. (2/23/90) (Filing No. S-527)

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