

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 822, L.D. 2098, Bill, "An Act to Increase Eligibility for Imprisonment with Intensive Supervision"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 17-A MRSA §1206, sub-§7-B is enacted to read:

7-B. Upon revocation of probation in accordance with subsection 5, 6 or 7, the court may act in accordance with section 1267.

Sec. 2. 17-A MRSA §1263, sub-§1, ¶B, as enacted by PL 1985, c. 821, §15, is amended to read:

B. His ~~The~~ conviction is for a Class A, Class B or Class C crime, excluding the following:

(1) Sections 755, 756 and 757; and

(2) Any sentence controlled by section 1252, subsections 4 and 5; ~~and~~ , unless the defendant is sentenced to a term of imprisonment with at least 3 years unsuspended, with the last year of the unsuspended portion to be served with intensive supervision, provided that the conditions of subsection 2 are also met. The defendant may be sentenced to imprisonment with intensive supervision under this subparagraph regardless of whether the defendant petitions the court or otherwise agrees to imprisonment with intensive supervision;

~~(3) A conviction for violating a law which expressly provides that the fine and imprisonment penalties it authorizes may not be suspended;~~

Sec. 3. 17-A MRSA §1263, sub-§2 is enacted to read:

COMMITTEE AMENDMENT " A" to S.P. 822, L.D. 2098

2 2. A person convicted of violating a law that expressly
4 provides that the fine or imprisonment penalty it authorizes may
6 not be suspended may not be sentenced to imprisonment with
8 intensive supervision pursuant to section 1262, unless the
10 penalty that may not be suspended is also imposed. If the
12 penalty that may not be suspended is one of imprisonment, then
14 that penalty must be served in institutional confinement as part
16 of and at the beginning of the initial unsuspended term with the
18 intensive supervision applying to the final portion of the
20 initial unsuspended term.

22 Sec. 4. 17-A MRSA §1267 is enacted to read:

24 §1267. Intensive supervision upon revocation of probation

26 1. Upon revocation of probation pursuant to section 1206
28 and if recommended by the Department of Corrections, the court
30 may vacate, in whole or in part, the suspension of execution as
32 to the imprisonment specified when probation was granted and may
34 order that part or all of the imprisonment be served with
36 intensive supervision provided that there remains at the time of
38 revocation at least 6 months of imprisonment suspended.

40 2. If the court requires that the imprisonment be served
42 with intensive supervision, the court shall specify how much of
44 the imprisonment is to be served with intensive supervision, with
46 that portion ranging from 6 to 18 months. Any portion of the
48 imprisonment not to be served with intensive supervision must be
 served with institutional confinement prior to the intensive
 supervision.

3. Imprisonment with intensive supervision may be ordered
 under this section regardless of whether there remains any
 portion of the sentence for which suspension of execution is not
 vacated upon the revocation of probation. Any portion for which
 suspension of execution is not vacated is governed by section
 1206, subsection 7-A.

4. The court may order a person to serve a term of
 imprisonment with intensive supervision under this section
 regardless of whether the person petitions the court or otherwise
 agrees to imprisonment with intensive supervision.

5. Except to the extent that they are inconsistent with
 this section, the other sections in this chapter apply to persons
 ordered to serve imprisonment with intensive supervision under
 this section as if those persons had been sentenced to a term of
 imprisonment with intensive supervision under those sections.'

2

STATEMENT OF FACT

4

This amendment replaces the original bill.

6

8 Sections 1 and 4 allow the courts to order intensive
supervision upon revocation of probation, which previously was
not authorized, if at least 6 months of suspended imprisonment
10 remains at the time of revocation. The intensive supervision
ordered in such cases may be ordered regardless of whether the
12 prisoner agrees to it. Other features of the existing intensive
supervision program such as the maximum officer-to-prisoner ratio
14 apply.

16

18 Section 2 modifies a previous prohibition against intensive
supervision when sentences are imposed for certain crimes
committed with dangerous weapons or firearms. Intensive
supervision is allowed for the last year if a person has been
20 sentenced to at least 3 years of unsuspended imprisonment,
provided that any mandatory minimum imprisonment is served before
22 the period of intensive supervision begins.

24

26 Section 3 provides a similar modification for all mandatory
minimum sentences. Intensive supervision is allowed, provided
that mandatory minimum terms of imprisonment are served prior to
the intensive supervision.

Reported by Senator Bustin for the Joint Select Committee on
Corrections. Reproduced and Distributed Pursuant to Senate
Rule 12.
(3/1/90) (Filing No. S-539)