



114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2098

S.P. 822

In Senate, January 4, 1990

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 HOLLOWAY of Lincoln. Cosponsored by Representative NORTON of Winthrop.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act to Increase Eligibility for Imprisonment with Intensive Supervision.

_	Be it enacted by the People of the State of Maine as follows:
2 4	Sec. 1. 17-A MRSA §1263, sub-§1, ¶B, as enacted by PL 1985, c. 821, §15, is amended to read:
6	B. His-conviction <u>The conviction</u> is for a Class A, Class B or Class C crime, excluding the following:
8	(1) Sections 755, 756 and 757; <u>and</u>
10 12	(2) Any sentence controlled by section 1252, subsections 4 and 5; and
14 16	(3)A-conviction-for-violating-a-law-which-empressly provides-that-the-fine-and-imprisonment-penaltics-it authorises-may-not-be-suspendod;
18	Sec. 2. 17-A MRSA §1263, sub-§2 is enacted to read:
20	2. A person convicted of violating a law that expressly
22	provides that the fine or imprisonment penalty it authorizes may not be suspended may not be sentenced to imprisonment with intensive supervision pursuant to section 1262, unless the
24	penalty that may not be suspended is one of imprisonment, then it
26 28	shall be served in institutional confinement as part of and at the beginning of the initial unsuspended term, with the intensive supervision applying to the final portion of the initial
30	unsuspended term.
32	STATEMENT OF FACT
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36	Under present law, a person cannot be sentenced to intensive supervision if convicted of a crime for which the penalties may not be suspended. Habitual motor vehicle offender is one crime
38	that has penalties that cannot be suspended, yet some persons convicted of this crime would make good candidates for the
40	Intensive Supervision Program. This bill would allow people convicted as habitual motor vehicle offenders to be eligible for
42	the Intensive Supervision Program. They would still have to submit to the penalties that may not be suspended. In the case
44	of imprisonment, the unsuspended sentence would have to be served in a facility prior to the offender going on the Intensive
46	Supervision Program.

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