

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 447

H.P. 317

House of Representatives, February 7, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Augusta.

Cosponsored by Representative KETTERER of Madison and Representative O'DEA of Orono.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Increase the Penalties for Career Criminals.



Be it enacted by the People of the State of Maine as follows:

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17-A MRSA §362, as amended by PL 1987, c. 12, is further amended to read:

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§362. Classification of theft offenses

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1. All violations of this chapter shall be classified, for sentencing purposes, according to this section. The facts set forth in this section upon which the classification depends shall be proved by the State beyond a reasonable doubt.

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2. Theft is a Class B crime if:

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A. The value of the property or services exceeds \$5,000;

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B. The property stolen is a firearm or an explosive device; or

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C. The actor is armed with a dangerous weapon at the time of the offense.

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Theft that is a Class B crime under this subsection is a Class A crime if the actor has 2 prior Maine convictions for any combination of murder, Class A, Class B or Class C crimes. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 10 years, although both prior convictions may have occurred on the same day. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date of a commission of prior offenses is presumed to be that date stated in the complaint, information or indictment, notwithstanding the use of the words on or about or the equivalent.

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3. Theft is a Class C crime if:

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A. The value of the property or services is more than \$1,000 but not more than \$5,000; or

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B. The theft is a violation under section 355, -e.

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Theft that is a Class C crime under this subsection is a Class B crime if the actor has 2 prior Maine convictions for any combination of murder, Class A, Class B or Class C crimes. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 10 years, although both prior convictions may have occurred on the same day. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date of a commission of prior offenses is presumed to be that date stated in the

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2 complaint, information or indictment, notwithstanding the use of
3 the words on or about or the equivalent.

4 3-A. Theft, or any attempt at theft, is a Class C crime if
5 the actor has 2 prior Maine convictions for any combination of
6 theft, any violation of section 702, 703 or 708 or any violation
7 of section 401 in which the crime intended to be committed inside
8 the structure is theft, any violation of section 651 or attempts
9 thereat at violations. For purposes of this subsection, the dates
10 of both of the prior convictions must precede the commission of
11 the offense being enhanced by no more than 10 years, although
12 both prior convictions may have occurred on the same day. This
13 subsection does not apply if the commission of the 2 prior
14 offenses occurred within a 3-day period. The date of a conviction
15 shall-be is deemed to be the date that sentence is imposed, even
16 though an appeal was taken. The date of a commission of prior
17 offenses shall-be is presumed to be that stated in the complaint,
18 information or indictment, notwithstanding the use of the words
19 "on or about" or the equivalent.

20 4. Theft is a Class D crime if:

21 A. It is a velatien violation of section 360, regardless of
22 the value involved; or

23 B. The value of the property or services exceeds \$500 but
24 does not exceed \$1,000.

25 5. Theft is a Class E crime if the value of the property or
26 services does not exceed \$500.

27 STATEMENT OF FACT

28 This bill enhances the class of the most serious theft
29 crimes if the person committing the thefts has been convicted of
30 2 or more Class A, B or C crimes or murder within the preceding
31 10 years. Thefts that would otherwise be Class B crimes are
32 enhanced to be Class A crimes, and Class C thefts become Class B
33 crimes.