

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 853, L.D. 1219, Bill, "An Act Concerning Witnesses and the Integrity of the Judicial Process"

Amend the bill by striking out all of section 1 and section 2.

Further amend the bill in section 3 in the first line by striking out the following: "Sec.3."

Further amend the bill in section 3 in subsection 4-A in the 10th line (page 2, line 4 in L.D.) by striking out the following: "or" and inserting in its place the following: 'providing information'

Further amend the bill in section 3 in subsection 4-A in the 12th line (page 2, line 6 in L.D.) by striking out the following: "includes" and inserting in its place the following: 'providing'

Further amend the bill in section 3 in subsection 4-A in the 12th line (page 2, line 6 in L.D.) by inserting after the following: "information" the following: 'that was'

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

FISCAL NOTE

This bill increases the sentencing class by one class higher than it would otherwise be, if an individual commits a crime with the intent to retaliate. The impact to the Department of Corrections will depend upon the number of individuals who commit a crime with the intent to retaliate and the class crime involved. The projected cost to the State for each person sentenced for a Class B crime is about \$70,470. The projected cost to the State for each person sentenced for a Class C crime is about \$36,900.'

COMMITTEE AMENDMENT

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STATEMENT OF FACT

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This amendment deletes sections 1 and 2 of the bill addressing failure of a witness to testify. Section 3 of the bill, increasing the sentencing for crimes committed against a person in retaliation for serving as a witness or otherwise providing information, is retained with technical corrections. A fiscal note is also added.

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The Department of Corrections has prepared the following correctional impact statement for the original bill pursuant to the Maine Revised Statutes, Title 34-A, section 1402:

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"L.D. 1219 AN ACT Concerning Witnesses and the Integrity of the Judicial Process would create three new criminal offenses for failure to appear to testify depending on the charge involved for which the person failed to appear. They are as follows:

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When it involves the charge of murder, failure to appear to testify would be a Class B offense. A sentence imposed for a Class B offense must be served in a state correctional facility. Because this would be a new offense, there is no basis to predict its specific impact on our correctional system. However, looking at sentences served for Class B offenses, the average length of stay was found to be about 3 years and four months. The average cost per day in an adult correctional facility is about \$58. Based on this data, the projected cost to the state, for each person sentenced under this new Class B crime, would be about \$70,470.

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When it involves a charge punishable by one year or more, failure to appear to testify would be a Class C offense. A sentence imposed for a Class C offense would be served in a state correctional facility. Because this would be a new offense, there is no basis to predict its specific impact on our correctional system. However, looking at sentences served for Class C offenses, the average length of stay was found to be about 1 year and nine months. The average cost per day in an adult correctional facility is about \$58. Based on this data, the projected cost to the state, for each person sentenced under this new Class C crime, would be about \$36,900.

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In all other cases, failure to appear to testify would be a Class E offense. A sentence imposed for a Class E offense must be served in a county jail facility. Looking at sentences served for Class E offenses, the average length of stay was found to be about 67 days. The average cost per day in a county jail is about \$57. Based on this data, the projected cost to the county, for each person sentenced under this new Class E crime, would be about \$36,900."