

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 879, L.D. 1270, Bill, "An Act to Establish a Home-Release Monitoring Program for Certain Inmates Sentenced to County Jails"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, county jails continue to be overcrowded; and

Whereas, home detention would give counties an additional option to relieve overcrowding; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill by striking out the first 2 lines after the enacting clause (page 1, lines 3 and 5 in L.D.) and inserting in their place the following:

'30-A MRSA §1659 is enacted to read:

§1659. Home-release monitoring program'

Further amend the bill in that part designated "§1607." in subsection 2 by striking out all of paragraph D (page 1, lines 41 to 43 in L.D.) and inserting in its place the following:

'D. For sentences less than 30 days, the inmate serves a minimum of 2/3 of that inmate's sentence prior to

2 participating in a home-release monitoring program. For
3 sentences of 30 days or more, the inmate serves a minimum of
4 1/2 of that inmate's sentence prior to participating in a
5 home-release monitoring program. In calculating the amount
6 of time served, good time earned under Title 17-A, section
7 1253 and time reductions earned for charitable or public
8 works projects under section 1606 must be counted; and'

10 Further amend the bill in that part designated "\$1607." in
11 subsection 3 in paragraph B in the first 2 lines (page 2, lines 6
12 and 7 in L.D.) by striking out the underlined words "on an
13 intermittent basis" and inserting in their place the following:
14 'at least 3 times per week'

16 Further amend the bill in that part designated "\$1607." in
17 subsection 3 by striking out all of paragraph C (page 2, lines 12
18 to 17 in L.D.) and inserting in its place the following:

20 'C. The jail administrator, or a designee, shall restrict
21 in advance any travel or movement, limiting the inmate's
22 travel to specific times and places directly related to
23 approved employment, formal education, job search, public
24 service work, treatment or other specific purposes.'

26 Further amend the bill in that part designated "\$1607." in
27 subsection 3 by striking out all of paragraph G (page 2, lines 39
28 to 43 in L.D.) and inserting in its place the following:

30 'G. If stopped or arrested by a law enforcement officer,
31 the inmate shall notify that officer of the inmate's
32 participation in a home-release monitoring program. Within
33 12 hours of having been stopped or arrested, the inmate
34 shall notify the jail administrator or designee.'

36 Further amend the bill in that part designated "\$1607." by
37 striking out all of subsection 7 (page 3, lines 30 to 34 in L.D.).

38 Further amend the bill in that part designated "\$1607." by
39 renumbering the subsections to read consecutively.

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

44 'Emergency clause. In view of the emergency cited in the
45 preamble, this Act takes effect when approved.

48 FISCAL NOTE

50 This bill provides authority for counties to establish a
community home-release monitoring program. This could result in

2 a reduction of the average daily jail population and annual cost
3 savings to the counties of approximately \$2,400,000, which
4 includes the cost of electronic monitoring. This would make more
5 jail beds available in the county facilities for high-risk
6 offenders.

7 The Department of Corrections can absorb the cost associated
8 with establishing and enforcing minimum standards for electronic
9 monitoring within budgeted resources. The additional work load
10 and administrative costs associated with a minimal number of
11 additional cases filed in District Court as a result of the new
12 law will be absorbed within the budgeted resources of the
13 Judicial Department.'

14
15 **STATEMENT OF FACT**

16
17 The amendment adds an emergency preamble to the bill and
18 moves the provisions for a home-release program to a more
19 appropriate location in the statutes.

20
21 For sentences of 30 days or more, the amendment reduces the
22 amount of time that must be served prior to home monitoring from
23 2/3 of the sentence to 1/2 of the sentence. The amendment
24 clarifies that good time and other earned deductions are counted
25 when calculating how much of a sentence has been served. The
26 amendment removes a provision that would have prohibited inmates
27 on home monitoring from receiving reductions for good time. The
28 amendment also clarifies the language in the bill.

29
30 The Department of Corrections has prepared the following
31 correctional impact statement on the original bill pursuant to
32 the Maine Revised Statutes, Title 34-A, section 1402: This bill
33 "could have a significant impact on the sentenced population of
34 our county jail system. Under the provisions of this bill,
35 inmates serving sentences in county jails for misdemeanors,
36 (Class D, E) and Class C offenses, could be supervised under
37 electronic monitoring in their homes during the last third of
38 their sentences with the approval of the sentencing court.
39 During 1990, inmates served a total 177,765 days (average daily
40 population of 485) for these types of sentences at an annual cost
41 of about \$10.1 million. It is estimated that once a home-release
42 monitoring program is fully implemented, a total of about 58,665
43 sentenced days could be served in this program rather than in
44 jail. This could result in a reduction of the in jail average
45 daily population by about 161 inmates at an estimated annual cost
46 savings of about \$2.4 million which includes the cost of
47 electronic monitoring. In summary, this bill has the potential
48 to reduce the average daily sentenced population of low risk
49 offenders in jails by 161 inmates at a cost savings to the
50 counties of about \$2.4 million. This would make more jail beds
51 available for those high risk offenders."
52