

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1572

H.P. 1078

House of Representatives, April 17, 1991

Reference to the Joint Select Committee on Corrections suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative REED of Dexter.

Cosponsored by Representative RICHARDS of Hampden, Senator BRANNIGAN of Cumberland and Representative ANTHONY of South Portland.

STATE OF MAINE

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

**An Act to Amend the Laws Governing the Intensive Supervision
Program.**

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

Sec. 1. 17-A MRSA §1253, sub-§3, as amended by PL 1989, c. 693, §8, is further amended to read:

3. Beginning October 1, 1983, a person sentenced to imprisonment for more than 6 months shall ~~be~~ is entitled to receive a deduction of 10 days each month for observing all rules of the department and institution. The period from which the deduction is made shall must be calculated from the first day the person is delivered into the custody of the department and includes the full length of the unsuspended portion of the sentence. This provision does not apply to the suspended portion of the person's sentence, pursuant to section 1203 nor does it apply to the suspended portion ~~ex--to--the--period--of--intensive supervision~~ of a sentence under section 1262.

A. Deductions under this subsection must be calculated as follows for partial months.

Days of partial month	Maximum good time credit available
0 - 2 days	0
3 - 5 days	1
6 - 8 days	2
9 - 11 days	3
12 - 14 days	4
15 - 17 days	5
18 - 20 days	6
21 - 23 days	7
24 - 26 days	8
27 - 29 days	9
30 days	10

Sec. 2. 17-A MRSA §1261, sub-§2, as enacted by PL 1985, c. 821, §15, is amended to read:

2. The Intensive Supervision Program shall must be composed of up to 10 intensive supervision teams. Each team shall must be comprised of 2 Intensive Supervision Program officers. Each team shall must have a maximum caseload of 25 offenders; of those 25, priority for 15 slots must be given to offenders sentenced to intensive supervision by the courts pursuant to section 1262, subsection 1, while priority for 10 slots must be given to offenders assigned to intensive supervision by the Department of Corrections pursuant to section 1262, subsection 8. The team shall contact each offender at least 5 times a week.

Sec. 3. 17-A MRSA §1262, sub-§6, as enacted by PL 1985, c. 821, §15, is amended to read:

6. Each person sentenced to an initial unsuspended term of imprisonment with intensive supervision under this section shall may not accumulate any deductions authorized by section 1253, subsection 3, 4 or 5, for any period of time actually served outside the institution on intensive supervision. The deductions authorized by section 1253, ~~subsection--2~~ subsections 2 to 5, credited as specified in ~~that subsection~~ those subsections, shall must be deducted from the length of the initial term imposed.

Sec. 4. 17-A MRSA §1262, sub-§8, as enacted by PL 1985, c. 821, §15, is amended to read:

8. For any person eligible under section 1263, who has been sentenced after the effective date of this chapter to a split sentence of imprisonment without intensive supervision, ~~the court may, upon motion of the department and may,~~ with the consent of the defendant, modify that sentence to allow for intensive supervision if that sentence in all other respects satisfies subsection 1.

Sec. 5. 17-A MRSA §1262, sub-§9 is enacted to read:

9. The department shall adopt rules pursuant to the Maine Administrative Procedure Act governing administrative assignments to intensive supervision programs by the Department of Corrections.

Sec. 6. Savings clause. Persons already serving sentences in intensive supervision programs may not be displaced or otherwise affected by the priorities for placement established by section 2 of this Act.

Sec. 7. Effective date. Sections 2 and 4 of this Act take effect 30 days after the date of adoption of the rules provided for in section 5 of this Act.

STATEMENT OF FACT

This bill gives the Department of Corrections the authority to administratively place certain offenders into the intensive supervision program, or ISP, now available only through the courts' sentencing. Once rules governing this procedure are promulgated, priority for placing offenders in 15 of the 25 ISP slots would be given to the court and priority for the other 10 placements to the Department of Corrections. Current placements are grandfathered. Offenders serving in ISP would get the good time credits according to the same rules as those serving time in prisons.