



115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

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H.P. 1577

House of Representatives, January 27, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Joint Select Committee on Corrections suggested and ordered printed.

EDWIN'H. PERT, Clerk

Presented by Representative ANTHONY of South Portland. Cosponsored by Representative MANNING of Portland, Senator BUSTIN of Kennebec and Representative RICHARDS of Hampden.

STATE OF MAINE

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

An Act to Reinstate a System of Parole.

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

Sec. 1. 17-A MRSA §1252, sub-§9 is enacted to read:

9. For purposes of this section and sections 1253, 1254 and 1256, time served on parole as authorized by Title 34-A, section 5803-A is deemed to be imprisonment.

Sec. 2. 17-A MRSA §1257-A, first ¶, as enacted by PL 1985, c. 10 266, §1, is amended to read:

A victim of any Class A, B or C crime for which the perpetrator is committed to the Department of Corrections may receive notice of that person's release from custody, including <u>parole</u>, furloughs or work-release programs, upon complying with this section, unless the Department of Corrections determines that giving this notice could pose a threat to the safety of the sentenced person.

Sec. 3. 34-A MRSA §5801, as enacted by PL 1983, c. 459, §6, is amended to read:

§5801. Applicability

This subchapter applies only to those persons in the custody of the Department of Corrections pursuant to a sentence imposed under the law in effect prior to May 1, 1976, and to those persons in the custody of the Department of Corrections pursuant to a sentence imposed under Title 17-A on or after September 1, 1992.

Sec. 4. 34-A MRSA §5802, sub-§2, as enacted by PL 1983, c. 459, §6, is amended to read:

2. Custody and control. While on parole, the parolee is under the custody of the warden or superintendent of the institution from which he <u>the parolee</u> was released, but under the immediate supervision of and subject to the rules of the division or any special conditions of parole imposed by the board. Special conditions of parole may include but are not limited to electronic monitoring or other forms of intensive supervision.

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Sec. 5. 34-A MRSA §5803-A is enacted to read:

§5803-A. Prisoners sentenced under Title 17-A

 Application. This section applies to parole only for
persons in the custody of the Department of Corrections pursuant to a sentence imposed under Title 17-A, section 1252 on or after
September 1, 1992.

2. Eligibility. A prisoner who resides in a facility administered by the department is eligible for parole by the board under section 5802 upon having served all but 4 years or 30%, whichever is less, of the term of imprisonment, which may include intensive supervision, imposed and not suspended by the court, less deduction for good behavior.

A. A prisoner sentenced to a county jail is not eligible for parole.

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B. A prisoner sentenced under Title 17-A, section 1251 is not eligible for parole.

3. Probation to be served; other terms. Parole may be 16 granted only for that portion of the sentence that is not suspended. Probation or other terms that the court assigns to the suspended portion of the sentence may not be discharged or 18. altered by the board.

Sec. 6. Rulemaking. The State Parole Board, in accordance with the Maine Revised Statutes, Title 34-A, section 5211, shall 22 adopt rules to implement this Act.

Sec. 7. Report. The Department of Corrections and the State Parole Board shall jointly submit a report, including any 26 necessary legislation, by November 1, 1992, to the Joint Select Committee on Corrections making recommendations necessary to 28 accomplish the purpose of this Act to implement a system of 30 parole for prisoners sentenced on or after September 1, 1992.

Sec. 8. Effective date. Sections 1 to 5 of this Act take effect September 1, 1992.

STATEMENT OF FACT

This bill implements a system of parole for prisoners sentenced to terms of imprisonment under the Maine Revised Statutes, Title 17-A, section 1252 in the custody of the Department of Corrections after September 1, 1992. Prisoners 42 sentenced to county jails or sentenced upon a conviction of murder are not eligible for parole. Under the bill, parole is deemed to be imprisonment for purposes of determinate sentencing under the Maine Criminal Code. A prisoner is eligible only after serving all but 4 years or 30%, whichever is less, of the unsuspended portion of the sentence. The bill provides that the State Parole Board may not discharge or alter any condition of probation or other term assigned by a court for the suspended portion of a sentence. The bill clarifies that certain victims of crimes may receive notice of the perpetrator's release on

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parole. The bill authorizes electric monitoring or other forms of intensive supervision as special conditions of parole.

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The bill requires rulemaking by the State Parole Board to implement the new parole provisions and requires the board jointly with the Department of Corrections to submit a report, including legislation, making recommendations necessary to implement the system.

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