

# MAINE STATE LEGISLATURE

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R. of S.

L.D. 767

(Filing No. S-197 )

STATE OF MAINE  
SENATE  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 248, L.D. 767, Bill, "An Act to Expand the Definition of Escape"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 17-A MRSA §755, sub-§1-C is enacted to read:

1-C. A person is guilty of escape from furlough or other rehabilitative program authorized under Title 34-A, section 3035 if that person intentionally goes to a location other than that permitted by the terms of the leave.

Sec. 2: 17-A MRSA §755, sub-§4, ¶B, as repealed and replaced by PL 1977, c. 510, §64, is repealed and the following enacted in its place:

B. A Class D crime if the person:

(1) Escapes from arrest or escapes from custody while the person is being transported to a jail, police station or any other facility enumerated in subsection 3, pursuant to an arrest, unless the escape is committed in the manner described in paragraph A; or

(2) Violates subsection 1-C; or

FISCAL NOTE

This bill expands the definition of escape making it a Class D crime if a person intentionally goes to a location other than that permitted by the terms of the leave. Sentences imposed for

COMMITTEE AMENDMENT

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Class D offenses must be served in a county jail. The average cost per sentence for a Class D crime is \$7,439 based upon an average length of stay of 119 days. The additional costs to the counties for the housing of each offender sentenced under this new crime will not require reimbursement by the State.

The Judicial Department may require additional General Fund appropriations to cover indigent defense costs related to these new cases. The amounts can not be estimated at this time. The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department's administrative account. The collection of additional fines may also increase General Fund revenues by a minor amount.

## STATEMENT OF FACT

This amendment replaces the bill. It expands the definition of the crime of escape. Currently, a person on furlough who does not comply with the written furlough instructions is subject to only internal Department of Corrections disciplinary proceedings, and the loss of "goodtime" credit, even if the person deliberately went to a place other than that permitted by the instructions. This amendment makes going to a location other than that permitted by the terms of the leave a Class D crime.

This amendment also adds a fiscal note to the bill.

Reported by Senator Conley for the Committee on Judiciary.  
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