

MAINE STATE LEGISLATURE

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R 9 S

L.D. 200

DATE: 5/2/95

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MAJORITY

CRIMINAL JUSTICE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 152, L.D. 200, Bill, "An Act to Allow the Issuance of Life Sentences for Violent Crimes"

Amend the bill by striking out the title and substituting the following:

'An Act to Allow the Imposition of Any Term of Years or Life for Certain Attempted Murders'

Further 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 §152, sub-§4, as amended by PL 1977, c. 510, §§33 and 34, is further amended to read:

4. Criminal attempt is an offense classified as one grade less serious than the classification of the offense attempted, except that an attempt to commit a Class E crime is a Class E crime, and an attempt to commit murder is a Class A crime. The sentence for attempted murder is as authorized for a Class A crime if the court finds that the person engaged in the conduct constituting the substantial step while under the influence of extreme anger or extreme fear brought about by adequate provocation. Adequate provocation has the same meaning as in section 201, subsection 4. Absent that finding by the court, the sentence for attempted murder is as authorized for a Class A crime except that, notwithstanding section 1252, subsection 2, paragraph A, the court is authorized to set a definite period of imprisonment of any term of years or, with proper findings, life. The special penalty provision of life imprisonment may be imposed only if the court finds one or more of the following aggravating circumstances is in fact present:

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2 committed under circumstances that, if death had resulted, would
3 make an intentional killing punishable as a Class A crime of
4 manslaughter because the actor is under the influence of extreme
5 anger or fear brought about by adequate provocation. This
6 amendment further limits the availability of life imprisonment to
7 cases involving aggravating circumstances similar to those that
8 permit, but do not require, the imposition of a life sentence for
9 murder. See State v. Shortsleeves, 580 A.2d 145, 149-150 (Me.
10 1990). For purposes of this bill, the Legislature accepts the
11 meaning of "premeditation-in-fact" as defined in State V.
12 Shortsleeves.

This amendment is the majority report and adds a fiscal note.

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