

	L.D. 200
2	DATE: 5/2/95 (Filing No. H- 184)
4	MAJORITY
6	CRIMINAL JUSTICE
8	
10	Reproduced and distributed under the direction of the Clerk of the House.
12	STATE OF MAINE
14	HOUSE OF REPRESENTATIVES 117TH LEGISLATURE
16	FIRST REGULAR SESSION
18	COMMITTEE AMENDMENT "A" to H.P. 152, L.D. 200, Bill, "An
20	Act to Allow the Issuance of Life Sentences for Violent Crimes"
22	Amend the bill by striking out the title and substituting the following:
24	
26	'An Act to Allow the Imposition of Any Term of Years or Life for Certain Attempted Murders'
28	Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its share the following:
30	its place the following:
32	'Sec. 1. 17-A MRSA §152, sub-§4, as amended by PL 1977, c. 510, §§33 and 34, is further amended to read:
34	4. Criminal attempt is an offense classified as one grade
36	less serious than the classification of the offense attempted, except that an attempt to commit a Class E crime is a Class E
38	crime, and an attempt to commit murder is a Class A crime. <u>The</u> sentence for attempted murder is as authorized for a Class A
40	crime if the court finds that the person engaged in the conduct constituting the substantial step while under the influence of
42	extreme anger or extreme fear brought about by adequate
44	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
46	crime except that, notwithstanding section 1252, subsection 2, paragraph A, the court is authorized to set a definite period of
48	imprisonment of any term of years or, with proper findings, life. The special penalty provision of life imprisonment may be
50	imposed only if the court finds one or more of the following aggravating circumstances is in fact present:

Mes.

Page 1-LR0105(2)

## COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 152, L.D. 200

2 A. The person's intent to kill was accompanied by premeditation-in-fact; 4 B. The person, at the time of the crime, intended to cause 6 multiple deaths; C. The person was previously convicted of criminal homicide 8 or any other crime involving the use of deadly force against 10 a person; 12 D. The attempted murder was accompanied by torture, sexual assault or other extreme cruelty inflicted upon the victim; 14 E. The attempted murder was committed in a penal institution by an inmate of that institution against another 16 inmate or against prison personnel; 18 F. The attempted murder was committed against a law 20 enforcement officer while the officer was acting in the performance of that officer's duties; or 22 G. The attempted murder was committed against a hostage.' 24 Further amend the bill by inserting at the end before the statement of fact the following: 26 **'FISCAL NOTE** 28 This bill may result in longer prison sentences for certain 30 increase costs to the State's correctional crimes and 32 institutions. The amount of the future cost increases can not be determined and will depend on the added length of the prison sentences imposed by the court for these certain crimes. 34 The Judicial Department may require additional General Fund 36 appropriations to cover increased indigent defense costs related to these cases when the potential penalty for a crime is 38 increased. The amounts can not be estimated at this time. 40 STATEMENT OF FACT 42 44 This amendment replaces the original bill. The amendment removes the current 40-year ceiling on the length of a term of imprisonment a court may set for the crime of attempted murder, 46 allowing, but not requiring, a court to set a definite term of imprisonment in any amount, some or all of which may be suspended 48 with probation, or for life unless the attempted murder is

Page 2-LR0105(2)

## COMMITTEE AMENDMENT

## COMMITTEE AMENDMENT "A" to H.P. 152, L.D. 200

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

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

Page 3-LR0105(2)

COMMITTEE AMENDMENT