

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 369

H.P. 267

House of Representatives, January 31, 1995

**An Act to Require a Person to Serve the Complete Sentence That Was Issued.**

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Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative OTT of York.  
Cosponsored by Representative: PLOWMAN of Hampden.

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

4 **Sec. 1. 17-A MRSA §1253**, as amended by PL 1993, c. 518,  
§§1-4, is further amended by inserting before subsection 1 the  
6 following to read:

8 This section applies to sentences of imprisonment for  
offenses committed before October 1, 1995.

10 **Sec. 2. 17-A MRSA §1253, sub-§§2 and 6-A**, as amended by PL  
1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

12  
14 2. Each person sentenced to imprisonment who has previously  
16 been detained for the conduct for which the sentence is imposed  
18 in any state correctional facility or county institution or  
20 facility or in any local lockup awaiting trial, during trial,  
22 post-trial awaiting sentencing or post-sentencing prior to the  
24 date on which the sentence commenced to run either to await  
26 transportation to the place of imprisonment specified, or  
28 pursuant to court order, and not in execution of any other  
30 sentence of confinement, ~~shall--be~~ is entitled to receive a  
day-for-day deduction from the total term of imprisonment  
required under that sentence. Each person ~~shall--be~~ is entitled  
to receive the same deduction for any such period of detention in  
any federal, state or county institution, local lockup or similar  
facility in another jurisdiction, including any detention  
resulting from being a fugitive from justice, as defined by Title  
15, section 201, subsection 4, unless he that person is  
simultaneously being detained for ~~non-Maine~~ conduct outside the  
State.

32 For the purpose of calculating the day-for-day deduction  
34 specified by this subsection, a "day" means 24 hours.

36 The total term required under the sentence of imprisonment ~~shall~~  
must be reduced by the total deduction of this subsection prior  
38 to applying any of the other deductions specified in this section  
or in Title 30-A, section 1606.

40 The attorney representing this State shall furnish the court, at  
42 the time of sentencing or within 10 days thereafter, a statement  
44 showing the total deductions of this subsection, to that point in  
time, and the statement ~~shall~~ must be attached to the official  
records of the commitment.

46 The sheriff or other person upon whom the legal duty is imposed  
48 to deliver a sentenced person who is entitled to a deduction for  
50 a period of detention post-sentencing shall, at the time of  
delivery, furnish to the custodian a statement showing the length  
of that post-sentencing detention. In addition, the transporter  
shall furnish to the sentencing court the same statement ~~which~~

2 shall that must be attached to the official records of the  
commitment.

4 6-A. When a judgment of conviction involving a term of  
6 imprisonment is vacated or a sentence involving a term of  
8 imprisonment is revised or reviewed and a new sentence involving  
10 a term of imprisonment is thereafter imposed upon the person for  
12 the same offense, day-for-day credit shall must be accorded on  
14 the new sentence both for each day the person served in execution  
16 of the initial sentence and for all previously earned deductions  
specified in subsections 4 and 5 and Title 30-A, section 1606.  
Prior to the day-for-day credit being given on the new sentence,  
the new sentence shall must, after first having been reduced by  
any deductions specified in subsection 2 previously or  
subsequently received, have applied to it the controlling  
deduction specified in either subsection 3 or 3-B.

18 Sec. 3. 17-A MRS §1253-A is enacted to read:

20 **§1253-A. Calculation of period of imprisonment**

22 This section applies to sentences of imprisonment for  
24 offenses committed on or after October 1, 1995.

26 1. The sentence of a person committed to the custody of the  
28 Department of Corrections commences on the date on which that  
30 person is received into the correctional facility designated as  
32 the initial place of confinement by the Commissioner of  
Corrections pursuant to section 1258. The date on which that  
person is received into the correctional facility is counted as  
the first full day of the sentence.

34 The sentence of a person committed to the custody of a sheriff  
36 commences on the date on which that person is received into the  
38 county jail specified in the sentence. The date on which that  
40 person is received into the county jail is counted as the first  
full day of the sentence if the term of imprisonment or the  
initial unsuspended portion of a split sentence is over 30 days;  
credit is accorded only for the portion of that day for which the  
person is actually in execution of the sentence.

42 2. When a person is sentenced to a concurrent sentence as  
44 authorized by section 1256, subsection 7, this section applies  
46 and must be administered by the supervisory officer of the  
48 correctional facility in this State when the person is committed  
50 to the custody of the department or by the sheriff of a county  
52 jail in this State when the person is committed to the custody of  
the sheriff. If the person is released from imprisonment under  
the sentence of the other jurisdiction prior to the termination  
of the sentence in this State, the remainder of the sentence in  
this State must be served at the appropriate state institution or  
county jail.

2 3. A person sentenced to imprisonment who has previously  
3 been detained for the conduct for which the sentence is imposed  
4 in any state correctional facility or county institution or  
5 facility or in any local lockup awaiting trial, during trial,  
6 post-trial awaiting sentencing or post-sentencing prior to the  
7 date on which the sentence commenced, either to await  
8 transportation to the place of imprisonment specified or pursuant  
9 to court order and not in execution of any other sentence of  
10 confinement, is entitled to receive a day-for-day deduction from  
11 the total term of imprisonment required under that sentence. A  
12 person is entitled to receive the same deduction for any such  
13 period of detention in any federal, state or county institution,  
14 local lockup or similar facility in another jurisdiction,  
15 including any detention resulting from being a fugitive from  
16 justice as defined by Title 15, section 201, subsection 4, unless  
17 that person is simultaneously being detained for conduct outside  
18 this State.

19 The attorney representing this State shall furnish the court, at  
20 the time of sentencing or within 10 days after the sentencing,  
21 with a statement showing the total deductions of this subsection  
22 at the time the statement is furnished. The statement must be  
23 attached to the official records of the commitment.

24 The sheriff or other person upon whom the legal duty is imposed  
25 to deliver a sentenced person who is entitled to a deduction for  
26 a period of detention post-sentencing shall furnish to the  
27 custodian at the time of delivery a statement showing the length  
28 of that post-sentencing detention. The transporter shall furnish  
29 to the sentencing court the same statement that must be attached  
30 to the official records of the commitment.

31 4. When a judgment of conviction involving a term of  
32 imprisonment is vacated or a sentence involving a term of  
33 imprisonment is revised or reviewed and a new sentence involving  
34 a term of imprisonment is imposed thereafter upon the person for  
35 the same offense, day-for-day credit must be accorded on the new  
36 sentence for each day the person served in execution of the  
37 initial sentence.

38 **Sec. 4. 30-A MRS §1606, sub-§4** is enacted to read:

39 4. Application. This section applies to inmates convicted  
40 of committing offenses before October 1, 1995.

41 **Sec. 5. 30-A MRS §1659, sub-§2, ¶D,** as enacted by PL 1991, c.  
42 224, is amended to read:

43 D. For sentences less than 30 days, the inmate serves a  
44 minimum of 2/3 of that inmate's sentence prior to  
45 participating in a home-release monitoring program. For  
46 sentences of 30 days or more, the inmate serves a minimum of

1/2 of that inmate's sentence prior to participating in a  
home-release monitoring program. In calculating the amount of  
time served, good time earned under Title 17-A, section 1253 and  
time reductions earned for charitable or public works projects  
under section 1606 must be counted; and

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### STATEMENT OF FACT

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This bill eliminates "good time" or other credits that  
reduce the sentences of persons convicted of crimes that are  
committed on or after October 1, 1995.

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