

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 438

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H.P. 317

House of Representatives, February 6, 1995

**An Act to Amend the Law Regarding Minimum Sentences for Class C  
Crimes Involving the Use of a Firearm against a Person.**

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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 THOMPSON of Naples.  
Cosponsored by Representatives: CHASE of China, GATES of Rockport, JOHNSON of  
South Portland, TOWNSEND of Portland.

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

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**Sec. 1. 17-A MRSA §1252, sub-§5,** as amended by PL 1979, c. 701, §30, is further amended to read:

5. Notwithstanding any other provision of this code, except as provided in this subsection, if the State pleads and proves that a Class A, B or C crime was committed with the use of a firearm against a person, the minimum sentence of imprisonment, which ~~shall~~ may not be suspended, ~~shall-be~~ is as follows: When the sentencing class for ~~sueh~~ the crime is Class A, the minimum term of imprisonment ~~shall-be~~ is 4 years; when the sentencing class for ~~sueh~~ the crime is Class B, the minimum term of imprisonment ~~shall-be~~ is 2 years; and when the sentencing class for ~~sueh~~ the crime is Class C, the minimum term of imprisonment ~~shall--be~~ is one year. For purposes of this subsection, the applicable sentencing class ~~shall-be~~ is determined in accordance with subsection 4. This subsection does not apply if the State pleads and proves criminal threatening or attempted criminal threatening, as defined in section 209, or terrorizing or attempted terrorizing, as defined in section 210, subsection 1, paragraph A.

**STATEMENT OF FACT**

This bill exempts from mandatory minimum sentencing requirements certain convictions for criminal threatening and terrorizing.