

MAINE STATE LEGISLATURE

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R.D.S.

L.D. 1198

DATE: May 9, 1995

(Filing No. S-125)

CRIMINAL JUSTICE

Reported by: Senator BENOIT for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 430, L.D. 1198, Bill, "An Act to Clarify the Definition of Escape"

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

'An Act to Amend the Maine Bail Code to Penalize Defendants Who Have Been Granted a Stay of Execution and Fail to Report'

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. 15 MRSA §1091-A is enacted to read:

§1091-A. Failure to report

1. Failure to report after stay of execution. A defendant who has been sentenced but granted a stay of execution to report at a specific time and who fails to report as ordered is guilty of:

A. A Class E crime if the underlying crime was punishable by a maximum period of imprisonment of less than one year; or

B. A Class C crime if the underlying crime was punishable by a maximum period of imprisonment of one year or more.

It is an affirmative defense that the failure to appear resulted from just cause.'

COMMITTEE AMENDMENT

R.d.S.

COMMITTEE AMENDMENT "A" to S.P. 430, L.D. 1198

2 Further amend the bill by inserting at the end before the
statement of fact the following:

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FISCAL NOTE

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8 This bill may increase prosecutions for Class C crimes.
Sentences of more than 12 months imposed for Class C crimes must
be served in a state correctional institution. The cost to the
10 State per sentence is \$48,584 based upon an average length of
stay of one year and 9 months. The State also must reimburse
12 counties for sentences served in county jails of 12 months or
less for Class C crimes.

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16 This bill may also increase prosecutions for Class E
crimes. If a jail sentence is imposed, the additional costs to
the counties are estimated to be \$83.22 per day per prisoner.
18 These costs are not reimbursed by the State. The number of
prosecutions that may result in a jail sentence and the resulting
20 costs to the county jail system are expected to be insignificant.

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The Judicial Department may require additional General Fund
appropriations to cover indigent defense costs related to the new
24 cases for Class C crimes. The amounts can not be estimated at
this time. The additional workload and administrative costs
26 associated with the minimal number of new cases filed in the
court system can be absorbed within the budgeted resources of the
28 Judicial Department. The collection of additional fines may also
increase General Fund revenue by minor amounts.'

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STATEMENT OF FACT

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This amendment replaces the original bill. It amends the
Maine Bail Code by criminalizing a defendant's failure to report
36 to the defendant's ordered place of imprisonment after the
defendant has been granted a stay of execution. The amendment is
38 consistent with law that criminalizes a defendant's failure to
appear. It also adds a fiscal note.