

MAINE STATE LEGISLATURE

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R 95

L.D. 1234

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DATE: 5/16/95

(Filing No. H- 260)

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CRIMINAL JUSTICE

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10 Reproduced and distributed under the direction of the Clerk of
the House.

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

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COMMITTEE AMENDMENT "A" to H.P. 879, L.D. 1234, Bill, "An
Act to Amend the Maine Criminal Code to Ensure Fairness in
Classifying a Crime Based on the Value of Loss or Damage"

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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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This bill will result in the reduction of the class of the
crime for certain theft crimes. State correctional facilities
may realize savings from a shift of prisoners to county jails and
from reductions in the lengths of sentences for certain offenders
when the class of crime is reduced.

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The county jail system may experience an increase in
prisoners. The counties are not reimbursed by the State for
increases in prisoners sentenced to jail time for Class D and E
crimes.

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The Judicial Department may realize savings from reductions
of indigent defense costs related to those cases in which the
class of crime is decreased. The amounts can not be estimated at
this time. Reductions in the collection of fines may decrease
General Fund revenue by minor amounts.'

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STATEMENT OF FACT

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This amendment adds a fiscal note to the bill.

2 The Department of Corrections has prepared the following
3 correctional impact statement pursuant to the Maine Revised
4 Statutes, Title 34-A, section 1402: "L.D. 1234, An Act to Amend
5 the Maine Criminal Code to Ensure Fairness in Classifying a Crime
6 Based on the Value of Loss or Damage. It would appear, comparing
7 existing property values to proposed that there would be a shift
8 in offense classifications with a decrease in Class B offenses
9 with corresponding increases in Class C, Class D and Class E
10 offenses.

12 Sentences imposed for Class E offenses involving
13 incarceration must be served in a county jail facility. Looking
14 at sentences served for Class E offenses, the average length of
15 stay was found to be about 67 days. The average cost per day in
16 a county jail is \$83.22. The projected average cost per sentence
17 for a Class E offense is \$5,576.

18 Sentences imposed for Class D offenses involving
19 incarceration must be served in a county jail facility. Looking
20 at sentences served for Class D offenses, the average length of
21 stay was found to be about 119 days. The average cost per day in
22 a county jail is \$83.22. The projected average cost per sentence
23 for a Class D offense is \$9,903.

26 Sentences imposed for Class C offenses involving
27 incarceration of more than 12 months must be served in a state
28 correctional facility. Looking at sentences served for Class C
29 offenses, the average length of stay was found to be about one
30 year and 9 months. The projected average cost per sentence for a
31 Class C offense is \$48,584. The State also pays a portion of the
32 cost of sentences served in county jails for 12 months or less in
33 this class.

34 Sentences imposed for Class B offenses involving
35 incarceration of more than 12 months must be served in a state
36 correctional facility. Looking at sentences served for Class B
37 offenses, the average length of stay was found to be about 2
38 years and 11 months. The projected average costs per sentence
39 for a Class B offense is \$81,101. The State also pays a portion
40 of the cost of sentences served in county jails for 12 months or
41 less in this class."
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