

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

176

L.D. 1276

DATE: 6/16/95

(Filing No. H- 513)

MAJORITY
CRIMINAL JUSTICE

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

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

COMMITTEE AMENDMENT "A" to H.P. 900, L.D. 1276, Bill, "An Act to Require Minimum Mandatory Sentences for Persons Convicted of Assault Crimes"

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

'An Act to Identify for Sentencing Purposes Certain Factors That Aid in Predicting High-risk Sex Offenders'

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. 17-A MRSA §253, sub-§6, as enacted by PL 1993, c. 432, §1, is amended to read:

6. In using a sentencing alternative involving a term of imprisonment for any natural person convicted of violating this section, a court shall, in determining the maximum period of incarceration as the 2nd step in the sentencing process, treat each prior Maine conviction for a violation of this section as an aggravating sentencing factor.

A. When the sentencing class for a prior conviction under this section is Class A, the court shall enhance the basic period of incarceration by a minimum of 4 years of imprisonment.

B. When the sentencing class for a prior conviction under this section is Class B, the court shall enhance the basic period of incarceration by a minimum of 2 years of imprisonment.

COMMITTEE AMENDMENT

R 4/8

2 C. When the sentencing class for a prior conviction under
3 this section is Class C, the court shall enhance the basic
4 period of incarceration by a minimum of one year of
5 imprisonment.

6 In arriving at the final sentence as the 3rd step in the
7 sentencing process, the court may not suspend that portion of the
8 maximum term of incarceration based on a prior conviction unless
9 the--court--is--of--the--opinion--that--exceptional--circumstances
10 justify--that--suspension--in--which--event--the--court--shall--set--forth
11 in--detail--its--reasons--on--the--record.

12 Sec. 2. 17-A MRSA §257 is enacted to read:

13 §257. Factors aiding in predicting high-risk sex offenders for
14 sentencing purposes

15 1. In assessing for sentencing purposes the risk of repeat
16 offenses by a person convicted of a crime under chapter 11, a
17 court shall treat each of the following factors, if present, as
18 increasing that risk:

- 19 A. The victim of the crime is prepubescent;
- 20 B. The victim of the crime is the same gender as the
21 offender;
- 22 C. The victim of the crime is a total stranger to the
23 offender; and
- 24 D. The offender has been previously convicted of a crime
25 under chapter 11 or previously convicted under the laws of
26 the United States or any other state for conduct
27 substantially similar to that contained in chapter 11.

28 A court may also utilize any other factor found by that court to
29 increase the risk of repeat offenses by a person convicted of a
30 crime under chapter 11.'

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

33 **FISCAL NOTE**

34 This bill may increase the length of sentences that must be
35 served in state correctional facilities. The average cost per
36 prisoner per day in a state correctional facility is \$76.51.

R 4/8

COMMITTEE AMENDMENT "A" to H.P. 900, L.D. 1276

2 This bill may also increase the length of sentences that
must be served in county jails. The average cost per prisoner
per day in a county jail is \$83.22.

4
6 The Judicial Department may require additional General Fund
appropriations to cover increased indigent defense costs related
to those cases where a longer term of imprisonment is possible.
8 The amounts can not be estimated at this time.

10
12

STATEMENT OF FACT

14 This amendment is the majority report of the Joint Standing
Committee on Criminal Justice and it replaces the bill. This
16 amendment identifies 4 specific factors that a court shall treat,
if present in the case, as increasing the risk that a convicted
sex offender will repeat the offense. These factors are not
18 exclusive and the amendment allows a court to consider at
sentencing any other factor found by that court to increase the
20 risk that the convicted sex offender will repeat the offense.

22 The amendment requires that the court, in arriving at the
3rd step in the sentencing process, not suspend that portion of
24 the maximum term of incarceration based on a prior conviction.
Under current law the court may, if exceptional circumstances
26 justify it, suspend the maximum term.

28 The amendment also adds a fiscal note to the bill.

COMMITTEE AMENDMENT