

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

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

COMMITTEE AMENDMENT "A" to H.P. 1211, L.D. 1661, Bill, "An Act to Increase the Penalty for Criminal Restraint of a Young Child or a Dependent Person"

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

'An Act to Increase the Penalty for Criminal Restraint of a Young Child'

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'Sec. 1. 17-A MRSA §302, sub-§3, as repealed and replaced by PL 1979, c. 512, §25, is amended to read:

3. Criminal restraint is a Class D crime except that it is a Class C crime if the person restrained has in fact not attained 8 years of age.

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

'FISCAL NOTE

This bill increases the penalty for a violation of this crime from a Class D to a Class C, resulting in a shift of costs from the counties to the State. Sentences of more than 9 months for Class C crimes must be served in a state correctional institution at the cost of \$55,711 per sentence based on an

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average length of stay of one year and 10 months. Sentences of 9 months or less for a Class C crime and all sentences for a Class D crime must be served in a county jail. The State must reimburse counties for housing Class C crime offenders but does not provide reimbursement for Class D offenders.

The Judicial Department may require additional General Fund appropriations to cover increased indigent defense costs related to these cases when the class of crime is increased. The amounts can not be estimated at this time. The collection of additional fines may also increase General Fund revenue by minor amounts.'

STATEMENT OF FACT

The amendment changes from a Class D to a Class C crime criminal restraint of a child under 8 years of age. The bill changed from a Class D to a Class C crime criminal restraint of a child under 6 years of age or a dependent person. The amendment modifies the title of the bill to reflect the intent of the amendment. The amendment also adds a fiscal note.