

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 293

H.P. 229

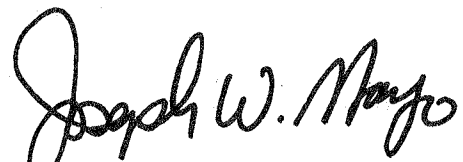
House of Representatives, January 21, 1997

**An Act to Create a Repeat Offender Provision Addressing Crimes of  
Violence against Persons.**

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Reported by Representative POVICH for the Criminal Law Advisory Commission under the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Joint Standing Committee on Criminal Justice suggested and printing ordered under Joint Rule 218.

  
JOSEPH W. MAYO, Clerk

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

4 Sec. 1. 17-A MRSA §1252, sub-§4-A is enacted to read:

6 4-A. If the state pleads and proves that, at the time any  
8 crime under chapter 9, 11, 13 or 27 was committed, the defendant  
10 in the previous 10 years had committed and been convicted of 2 or  
12 more crimes violating chapter 9, 11, 13 or 27, or essentially  
14 similar crimes in other jurisdictions, then the sentencing class  
for the crime is one class higher than it would otherwise be. In  
the case of a Class A crime, the sentencing class may not be  
increased, but the prior record should be given serious  
consideration by the court in exercising its sentencing  
discretion.

16 Prior convictions operate to enhance a sentencing class under  
18 this subsection only if the prior convictions are entered in  
20 separate court proceedings on separate dates and the subject  
offenses occurred on separate dates.

22 SUMMARY

24 This bill enhances the sentencing class for a Class B, Class  
26 C, Class D or Class E crime in the Maine Revised Statutes, Title  
17-A, chapters 9, 11, 13 or 27 if the offender within the prior  
10 years has had 2 or more convictions for violations of these  
28 same chapters or essentially similar crimes in other  
jurisdictions. For a Class A crime in Title 17-A, chapter 9, 11,  
30 13 or 27, this bill requires that the same prior convictions be  
given serious consideration by a court in exercising its  
32 sentencing discretion. Finally, the bill makes clear that in  
order to qualify under Title 17-A, section 1252, subsection 4-A  
34 the prior convictions must be entered in separate court  
proceedings on separate dates and the subject crimes must have  
36 occurred on separate dates.