

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1194

H.P. 877

House of Representatives, February 25, 1997

An Act Concerning Consecutive Sentencing.

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative OTT of York.

Cosponsored by Representatives: CLUKEY of Houlton, JOY of Crystal, MACK of Standish, PLOWMAN of Hampden, WATERHOUSE of Bridgton, Senator: BENOIT of Franklin.

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

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4 **Sec. 1. 17-A MRSA §1256, sub-§2,** as amended by PL 1983, c. 408, §4, is further amended to read:

6 2. In all other cases, the court shall state in the
8 sentence of imprisonment whether a sentence shall must be served
10 concurrently with or consecutively to any other sentence
12 previously imposed or to another sentence imposed on the same
14 date. The sentences must be consecutive for murder, and Class A, B and C crimes absent a reason stated on the record. The sentences shall for Class D and E crimes must be concurrent unless, in considering the following factors, the court decides to impose sentences consecutively:

16 A. That the convictions are for offenses based on different
18 conduct or arising from different criminal episodes;

20 B. That the defendant was under a previously imposed
22 suspended or unsuspended sentence and was on probation, under incarceration or on a release program at the time the person committed a subsequent offense;

24 C. That the defendant had been released on bail when that
26 person committed a subsequent offense, either pending trial of a previously committed offense or pending the appeal of previous conviction; or

28 D. That the seriousness of the criminal conduct involved in
30 either a single criminal episode or in multiple criminal
32 episodes or the seriousness of the criminal record of the
34 convicted person, or both, require a sentence of imprisonment in excess of the maximum available for the most serious offense.

36 **Sec. 2. 17-A MRSA §1256, sub-§§3 and 4,** as enacted by PL 1981,
38 c. 324, §34, are amended to read:

40 3. A Notwithstanding subsection 2, a defendant may not be
42 sentenced to consecutive terms for crimes arising out of the same
44 criminal episode when:

46 A. One crime is an included crime of the other;

48 B. ~~One crime consists only of a conspiracy, attempt, solicitation or other form of preparation to commit, or facilitation of, the other;~~

50 C. The crimes differ only in that one is defined to
52 prohibit a designated kind of conduct generally, and the other to prohibit a specific instance of that conduct; or

2 D. Inconsistent findings of fact are required to establish
the commission of the crimes.

4 4. If the court decides to impose ~~consecutive~~ concurrent
sentences, it shall state its reasons for doing so on the record
6 or in the sentences.

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SUMMARY

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This bill amends the Maine Criminal Code so that multiple sentences for murder and Class A, B and C crimes must be imposed consecutively absent a reason stated on the record. It further requires the court in sentencing to state its reasons on the record for imposing a concurrent sentence.