

# MAINE STATE LEGISLATURE

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**CRIMINAL JUSTICE**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1050, L.D. 1467, Bill, "An Act to Amend the Law to Be Consistent with the Organizational Structure of the Department of Corrections and for Other Purposes"

Amend the bill by inserting after section 3 the following:

'Sec. 4. 17-A MRSA §1253, sub-§2, as amended by PL 1987, c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Each person sentenced to imprisonment who has previously been detained for the conduct for which the sentence is imposed in any state ~~correctional~~ facility or county institution or facility or in any local lockup awaiting trial, during trial, post-trial awaiting sentencing or post-sentencing prior to the date on which the sentence commenced to run either to await transportation to the place of imprisonment specified, or pursuant to court order, and not in execution of any other sentence of confinement, ~~shall--be~~ is entitled to receive a day-for-day deduction from the total term of imprisonment required under that sentence. Each person ~~shall--be~~ is entitled to receive the same deduction for any such period of detention in any federal, state or county institution, local lockup or similar facility in another jurisdiction, including any detention resulting from being a fugitive from justice, as defined by Title 15, section 201, subsection 4, unless he the person is simultaneously being detained for non-Maine conduct.

For the purpose of calculating the day-for-day deduction specified by this subsection, a "day" means 24 hours.

**COMMITTEE AMENDMENT**

2 The total term required under the sentence of imprisonment shall  
be is reduced by the total deduction of this subsection prior to  
4 applying any of the other deductions specified in this section or  
in Title 30-A, section 1606.

6  
8 The attorney representing this State shall furnish the court, at  
the time of sentencing or within 10 days thereafter, a statement  
showing the total deductions of this subsection, to that point in  
10 time, and the statement shall must be attached to the official  
records of the commitment.

12  
14 The sheriff or other person upon whom the legal duty is imposed  
to deliver a sentenced person who is entitled to a deduction for  
a period of detention post-sentencing shall, at the time of  
16 delivery, furnish to the custodian a statement showing the length  
of that post-sentencing detention. In addition, the transporter  
18 shall furnish to the sentencing court the same statement which  
shall that must be attached to the official records of the  
20 commitment.'

22 Further amend the bill by relettering or renumbering any  
nonconsecutive Part letter or section number to read  
24 consecutively.

26 Further amend the bill by inserting at the end before the  
summary the following:

30 **FISCAL NOTE**

32 The Judicial Department may require additional General Fund  
appropriations to cover indigent defense costs related to a  
34 potential increase in juvenile hearings held in District Court.  
The amounts can not be estimated at this time. The additional  
36 workload and administrative costs associated with the minimal  
number of new cases filed in the court system can be absorbed  
38 within the budgeted resources of the Judicial Department.'

40 **SUMMARY**

42 This amendment clarifies that a juvenile who, prior to  
44 sentencing, is detained in any state facility is entitled to  
receive a day-for-day reduction from the juvenile's total  
46 required term of imprisonment. Currently, the law gives such  
credit to a juvenile who has spent time in a "correctional  
48 facility," which includes the Maine Youth Center but does not  
include the Northern Maine Regional Juvenile Detention Facility.  
50 The amendment also makes technical changes and adds a fiscal note  
to the bill.