



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 300

H.P. 222

House of Representatives, January 14, 1999

An Act to Require Life Imprisonment for Habitual Violent Offenders.

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

JOSEPH W. MAYO, Clerk

Presented by Representative WATERHOUSE of Bridgton. Cosponsored by Senator CAREY of Kennebec and Representatives: AHEARNE of Madawaska, BUCK of Yarmouth, MACK of Standish, McALEVEY of Waterboro, SNOWE-MELLO of Poland, WHEELER of Eliot, Senator: BENOIT of Franklin.

_	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 17-A MRSA §1251-A is enacted to read:
4	<u>§1251-A. Imprisonment for habitual violent offenders</u>
6	1) a used in this restion unlose the context otherwise
8	 As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
10	A. "Habitual violent offender" means a person who:
12	(1) Is convicted in this State of any violent offense; and
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16	(2) Has 2 prior convictions for violent offenses in this State or 2 prior convictions for conduct substantially similar to a crime listed in paragraph B
18	that is a crime under the laws of the United States or any other state. For purposes of this paragraph, the
20	dates of both of the prior convictions must precede the commission of this offense. The date of the conviction
22	is deemed to be the date that the sentence is imposed, even though an appeal was taken. The date of a
24	commission of a prior offense is presumed to be that stated in the complaint, information, indictment or
26	other formal charging instrument, notwithstanding the use of the words "on or about" or the equivalent.
28	use of the words on of about of the equivalent.
30	B. "Violent offense" means one of the following offenses:
	(1) Murder;
32	(2) Felony murder;
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36	(3) <u>Manslaughter;</u>
38	(4) Aggravated assault:
40	(5) Elevated aggravated assault:
42	(6) Gross sexual assault;
44	(7) Sexual abuse of a minor;
	(8) Unlawful sexual contact;
46	(9) Sexual exploitation of a minor;
48	(10) Kidnapping;
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	(11) Criminal restraint;
2	(12) Burglary;
4	(13) Robbery;
6	(14) Arson; or
8	(15) Any other offense involving the actual or
10	threatened use of a deadly weapon or dangerous instrument, or the intentional or knowing infliction of
12	serious physical harm upon another person.
14	2. Notwithstanding any other provision of law, the court shall set a life term of imprisonment for habitual violent
16	offenders. The sentence may not include a period of probation or any other form of release from actual confinement.
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18 20	SUMMARY
	This bill defines "habitual violent offender" as a person
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