

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 562

H.P. 420

House of Representatives, January 19, 1999

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 ANDREWS of York.

Cosponsored by Representatives: CARR of Lincoln, GLYNN of South Portland, LEMONT of Kittery, LINDAHL of Northport, MACK of Standish, STANWOOD of Southwest Harbor, WHEELER of Bridgewater.

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

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

2. In all other cases, the court shall state in the sentence of imprisonment whether a sentence shall ~~shall~~ must be served concurrently with or consecutively to any other sentence previously imposed or to another sentence imposed on the same 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:

- A. That the convictions are for offenses based on different conduct or arising from different criminal episodes;
- B. That the defendant was under a previously imposed suspended or unsuspended sentence and was on probation, under incarceration or on a release program at the time the person committed a subsequent offense;
- C. That the defendant had been released on bail when that person committed a subsequent offense, either pending trial of a previously committed offense or pending the appeal of previous conviction; or
- D. That the seriousness of the criminal conduct involved in either a single criminal episode or in multiple criminal episodes or the seriousness of the criminal record of the convicted person, or both, require a sentence of imprisonment in excess of the maximum available for the most serious offense.

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

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

- A. One crime is an included crime of the other;
- ~~B. One crime consists only of a conspiracy, attempt, solicitation or other form of preparation to commit, or facilitation of, the other;~~

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

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

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

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SUMMARY

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16 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
18 requires the court in sentencing to state its reasons on the
record for imposing a concurrent sentence.