

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1700, L.D. 2406, Bill, "An Act to Clarify the Prosecution of Aggravated Operating Under the Influence"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the ~~Felony-operating-under-the-influence~~ Laws'

Further amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 29-A MRSA §2411, sub-§6, as amended by PL 1995, c. 368, Pt. AAA, §10, is repealed and the following enacted in its place:

6. Aggravated punishment category. An operator commits a Class C offense if the State pleads and proves that the operator, while operating a motor vehicle in violation of this section:

A. In fact caused serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person or in fact caused the death of another person; or

B. Has either a prior conviction for a Class C crime under this section or a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with a blood-alcohol content of 0.08% or greater.

The sentence must include a period of incarceration of not less than 6 months, a fine of not less than \$2,000 and a court-ordered suspension of a driver's license for a period of 6 years. These penalties may not be suspended.'

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

FISCAL NOTE

This bill increases the penalty for certain crimes from Class D to Class C crimes, resulting in a shift of costs from the counties to the State. Sentences of more than 9 months for Class C crimes must be served in state correctional institutions at the cost of \$67,311 per sentence based on an average length of stay of 2 years and 5 months. Sentences of 9 months or less for a Class C crime and all sentences for a Class D crime must be served in county jails.

The Judicial Department may require additional General Fund appropriations to cover indigent defense costs related to these new cases. The amounts can not be estimated at this time. The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may also increase General Fund revenue by minor amounts.'

SUMMARY

This amendment replaces the title and replaces the bill. The amendment makes it a Class C crime to operate a motor vehicle under the influence of intoxicating liquor or drugs if a person has a prior conviction for a Class C crime under the aggravated punishment category of criminal OUI or if the person has a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with a blood alcohol content of 0.08% or more.

The amendment also adds a fiscal note.