

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 292

H.P. 240

House of Representatives, January 25, 2001

**An Act to Add Prior Conviction for Burglary of a Motor Vehicle to
Enhancement of Theft Penalties.**

Reported by Representative POVICH for the Criminal Law Advisory Commission
pursuant to Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Joint Standing Committee on Criminal Justice suggested and printing
ordered under Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

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

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Sec. 1. 17-A MRSA §362, sub-§3-A, as amended by PL 1987, c. 12, is further amended to read:

3-A. Theft, or any attempt at theft, is a Class C crime if the actor has 2 prior Maine convictions for any combination of theft, any violation of section 405, 702, 703 or 708 or any violation of section 401 in which the crime intended to be committed inside the structure is theft, any violation of section 651 or attempts thereat. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 10 years, although both prior convictions may have occurred on the same day. This subsection does not apply if the commission of the 2 prior offenses occurred within a 3-day period. The date of a conviction ~~shall-be~~ is deemed the date that sentence is imposed, even though an appeal was taken. The date of a commission of prior offenses ~~shall--be~~ is presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.

SUMMARY

This bill adds to the provision in the Maine Criminal Code that provides for the enhancement of theft penalties a prior conviction for burglary of a motor vehicle, in violation of the Maine Revised Statutes, Title 17-A, section 405.