

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 601

S.P. 173

In Senate, February 8, 2001

**An Act to Provide for Relief from Mandatory Minimum Sentences in
Certain Cases.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MILLS of Somerset.

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

4 **Sec. 1. 17-A MRSA §1252, sub-§5-A**, as amended by PL 1999, c.
374, §6, is repealed.

6 **Sec. 2. 17-A MRSA §1252, sub-§9** is enacted to read:

8 9. When a mandatory minimum sentence of a fine or
10 imprisonment is called for, the mandatory minimum sentence may be
12 suspended if the deviation from the mandatory minimum sentence
14 does not diminish the gravity of the offense or adversely affect
16 the safety of the public and if imposition of the mandatory
18 minimum sentence would result in substantial injustice and would
20 frustrate the general purposes of sentencing set forth in section
1151. A mandatory minimum fine may be suspended if it is
apparent that the defendant can not pay and if the other forms of
punishment administered are consistent with the gravity of the
offense. In deviating from the mandatory minimum sentence, the
presiding justice shall consider relevant factors, including:

22 A. The criminal act for which the defendant stands
24 convicted, including the fact that the act was an aberration
in the life of the defendant;

26 B. The wishes and recommendations of the victim or the
victim's family and the prosecuting attorney;

28 C. The defendant's prospects for rehabilitation and
30 credible demonstration of remorse and an understanding of
the consequences of the defendant's actions; and

32 D. The age, background, physical and mental condition of
34 the defendant and the defendant's family circumstances.

36 **SUMMARY**

38 This bill grants the judge authority to deviate from a
40 mandatory minimum sentence and a mandatory minimum fine in
certain circumstances.