



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 768

S.P. 203

In Senate, February 13, 2001

An Act to Require a Life Sentence for Murder Unless There Are Mitigating Circumstances.

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

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JOY J. O'BRIEN Secretary of the Senate

Presented by Senator McALEVEY of York. Cosponsored by Representative WATERHOUSE of Bridgton and Senators: DAVIS of Piscataquis, PENDLETON of Cumberland, Representatives: ANDREWS of York, ANNIS of Dover-Foxcroft, BUNKER of Kossuth Township, McNEIL of Rockland, O'BRIEN of Augusta, TOBIN of Dexter.

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

Sec. 1. 17-A MRSA §1251, as amended by PL 1999, c. 536, §1, 4 is further amended to read:

6 §1251. Imprisonment for murder

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A Notwithstanding section 1252-C, a person convicted of the crime of murder shall must be sentenced to imprisonment for life
or, if mitigating circumstances exist, for any term of years that is not less than 25. If mitigating circumstances exist, the
court shall specify those circumstances. The sentence of the court shall specify the length of the sentence to be served and shall commit the person to the Department of Corrections.

16 In-setting-the-length-of-imprisonment,-if-the-victim-is-a child-who-had-not-in-fact-attained-the-age-of-6-years-at-the-time 18 the-crime-was-committed,-a-court-shall-assign-special-weight-to this-objective-fact-in-determining-the-basic-sentence-in-the 20 first-step-of-the-sentencing-process,--The-court-shall-assign special-weight-to-any-subjective-victim-impact-in-determining-the 22 final-sentence-in-the-2nd-and-final-step-in-the-sentencing process,--Nothing-in-the-paragraph-may-be-construed-to-restrict 24 a-court-in-setting-the-length-of-imprisonment-from-considering the-age-of-the-victim-in-other-circumstances-when-relevant.

SUMMARY

30 The bill specifies that a person sentenced for the crime of murder must be sentenced to imprisonment for life. Only if 32 mitigating circumstances exist can the court adjust the sentence downward, and if mitigating circumstances exist, the court shall 34 specify those circumstances. If a sentence for murder is adjusted downward, it can not be adjusted below 25 years, which 36 is the current minimum term of imprisonment for murder.