

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 929

H.P. 714

House of Representatives, February 15, 2001

An Act to Amend the Supervised Community Confinement Law.

Submitted by the Department of Corrections pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative PEAVEY of Woolwich.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: McKEE of Wayne, O'BRIEN of Augusta, SHERMAN of Hodgdon, TOBIN
of Dexter, Senator: O'GARA of Cumberland.

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

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Sec. 1. 34-A MRSA §3036-A, sub-§2, ¶¶B and C, as enacted by PL 1991, c. 845, §4, are amended to read:

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B. A prisoner may not be transferred to supervised community confinement until the prisoner has served at least 2/3 of the term of imprisonment imposed or, in the case of a split sentence, at least 2/3 of the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, section 1253, if the term of imprisonment or, in the case of a split sentence, the unsuspended portion is more than 5 years. A prisoner may not be transferred to supervised community confinement until the prisoner has served at least 1/2 of the term of imprisonment imposed or, in the case of a split sentence, at least 1/2 of the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, section 1253, if the term of imprisonment or, in the case of a split sentence, the unsuspended portion is 5 years or less.

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Sec. 2. 34-A MRSA §3036-A, sub-§10 is enacted to read:

10. Terminally ill prisoner. With the consent of the prisoner, the commissioner may permit a prisoner committed to the department to be transferred from a correctional facility to supervised community confinement without meeting the requirements of subsection 2, paragraphs B and C if the facility's treating physician has determined that the prisoner is terminally ill and that care in a hospital or hospice for the remainder of the prisoner's illness is medically preferable. The prisoner shall live in a hospital or hospice that is approved by the commissioner but may be exempted from any other condition made mandatory by subsection 3 if determined by the commissioner to be inapplicable.

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SUMMARY

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This bill amends the supervised community confinement law by

2 requiring that a prisoner who has a term of imprisonment of more
than 5 years may be transferred to supervised community
4 confinement after serving 2/3 of that time, and a prisoner who
has a term of imprisonment of 5 years or less may be transferred
6 after serving 1/2 of the term of imprisonment. Also, currently,
a prisoner may not be transferred to supervised community
8 confinement unless the prisoner has less than 12 months left on
the term of imprisonment. This bill changes that time to 18
10 months. The bill also allows a terminally ill prisoner to serve
out the rest of the prisoner's term of confinement in a hospital
or hospice.