

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1130

H.P. 858

House of Representatives, February 22, 2001

**An Act to Provide for a Minimum Sentence and Limit the Use of Plea  
Bargaining in the Death of a Child 6 Years of Age or Younger.**

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative NASS of Acton.

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

2           **Sec. 1. 17-A MRSA §203, sub-§3, ¶B**, as enacted by PL 1989, c.  
4 505, §2, is amended to read:

6           B. Violation of subsection 1, paragraph C is a Class C  
8 ~~crime;~~ and

10           **Sec. 2. 17-A MRSA §203, sub-§3, ¶C** is enacted to read:

12           C. If the victim of the crime is a child who had not in  
14 fact attained 6 years of age at the time the crime was  
16 committed, the court shall impose a sentencing alternative  
18 involving a term of imprisonment of at least 25 years, none  
20 of which may be suspended.

22           **Sec. 3. 17-A MRSA §1252, sub-§5-B**, as enacted by PL 1999, c.  
24 536, §2, is amended to read:

26           5-B. In using a sentencing alternative involving a term of  
28 imprisonment for a person convicted of the attempted murder,  
30 ~~manslaughter~~, elevated aggravated assault or aggravated assault  
32 of a child who had not in fact attained the age of 6 years at the  
34 time the crime was committed, a court shall assign special weight  
36 to this objective fact in determining the basic term of  
38 imprisonment as the first step in the sentencing process. The  
40 court shall assign special weight to any subjective victim impact  
42 in determining the maximum period of incarceration in the 2nd  
44 step in the sentencing process. The court may not suspend that  
46 portion of the maximum term of imprisonment based on objective or  
48 subjective victim impact in arriving at the final sentence as the  
3rd step in the sentencing process. Nothing in this subsection  
may be construed to restrict a court in setting a sentence from  
considering the age of the victim in other circumstances when  
relevant.

**SUMMARY**

40           This bill specifies that for the crime of manslaughter, if  
42 the victim of the crime is a child who had not in fact attained 6  
44 years of age at the time the crime was committed, the court shall  
46 impose a sentencing alternative involving a term of imprisonment  
48 of at least 25 years, none of which may be suspended. Current  
law provides a minimum term of imprisonment of 25 years for a  
person convicted of murder. This bill would ensure that a person  
convicted of manslaughter of a victim under 6 years of age would  
also receive a term of imprisonment of at least 25 years.