

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

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.**

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative NASS of Acton.

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

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

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

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

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

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

5-B. In using a sentencing alternative involving a term of imprisonment for a person convicted of the attempted murder, ~~manslaughter~~, elevated aggravated assault or aggravated assault of a child who had not in fact attained the age of 6 years at the time the crime was committed, a court shall assign special weight to this objective fact in determining the basic term of imprisonment as the first step in the sentencing process. The court shall assign special weight to any subjective victim impact in determining the maximum period of incarceration in the 2nd step in the sentencing process. The court may not suspend that portion of the maximum term of imprisonment based on objective or 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.

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SUMMARY

This bill specifies that for the crime of manslaughter, if the victim of the crime is a child who had not in fact attained 6 years of age at the time the crime was committed, the court shall impose a sentencing alternative involving a term of imprisonment 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.