

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

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STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 354, L.D. 1168, Bill, "An Act Concerning the Sentencing of Persons to County Jails"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 15 MRSA §1704 is repealed.

Sec. 2. 15 MRSA §1705, as repealed and replaced by PL 1985, c. 242, is repealed.

Sec. 3. 15 MRSA c. 301, sub-c. III is repealed.

Sec. 4. 17-A MRSA §1203, sub-§1-A, ¶C, as enacted by PL 1999, c. 788, §4, is amended to read:

C. As to both the suspended and unsuspended portions of the sentence, the place of imprisonment must be as follows.

(1) For a Class D or Class E crime the court must specify a the county jail in the county where the crime was committed as the place of imprisonment.

(2) For a Class A, Class B or Class C crime the court must:

(a) Specify a the county jail in the county where the crime was committed as the place of imprisonment for any portion of the sentence that is 9 months or less; and

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2 (b) Commit the person to the Department of
Corrections for any portion of the sentence that
4 is more than 9 months.

6 Notwithstanding this paragraph, if the county in which the
crime was committed does not have a jail, the sheriff of
8 that county shall make arrangements for the care and custody
of the person to be imprisoned.

10 If a person is sentenced to a term of imprisonment in a
county in which the crime was committed but that county does
12 not have a jail, the county in which the crime was committed
shall pay the cost of care and custody, including the cost
14 of extraordinary medical or surgical treatment, of the
person imprisoned. If the parties making arrangements for
16 the care and custody do not agree upon the amount to be
paid, representation of the facts may be made to the
18 Superior Court or any justice of the Superior Court, and the
court or justice shall determine the amount to be paid.

20 **Sec. 5. 17-A MRSA §1252, sub-§1**, as amended by PL 1995, c.
22 425, §2, is further amended to read:

24 1. In the case of a person convicted of a crime other than
murder, the court may sentence to imprisonment for a definite
26 term as provided for in this section, unless the statute which
that the person is convicted of violating expressly provides that
28 the fine and imprisonment penalties it authorizes may not be
suspended, in which case the convicted person shall must be
30 sentenced to imprisonment and required to pay the fine authorized
therein. Except as provided in subsection 7, the place of
32 imprisonment must be as follows.

34 A. For a Class D or Class E crime the court must specify a
the county jail in the county in which the crime was
36 committed as the place of imprisonment.

38 B. For a Class A, Class B or Class C crime the court must:

40 (1) Specify a the county jail in the county in which
the crime was committed as the place of imprisonment if
42 the term of imprisonment is 9 months or less; or

44 (2) Commit the person to the Department of Corrections
if the term of imprisonment is more than 9 months.

46 Notwithstanding paragraphs A and B, if the county in which the
48 crime was committed does not have a jail, the sheriff of that
county shall make arrangements for the care and custody of the
50 person to be imprisoned.

2 If a person is sentenced to a term of imprisonment in a county in
4 which the crime was committed but that county does not have a
6 jail, the county in which the crime was committed shall pay for
8 the cost of care and custody, including the cost of extraordinary
10 medical or surgical treatment, of the person imprisoned. If the
12 parties making arrangements for the care and custody do not agree
14 upon the amount to be paid, representation of the facts may be
16 made to the Superior Court or any justice of the Superior Court,
18 and the court or justice shall determine the amount to be paid.

12 Sec. 6. 17-A MRSA §1252, sub-§7, as enacted by PL 1989, c.
14 693, §7, is amended to read:

16 7. If a sentence to a term of imprisonment in a county jail
18 is consecutive to or is to be followed by a sentence to a term of
20 imprisonment in the custody of the Department of Corrections, the
22 court imposing either sentence may shall order that both be
24 served in the custody of the Department of Corrections. If a
26 court imposes consecutive terms of imprisonment for Class D or
28 Class E crimes and the aggregate length of the terms imposed is
30 one year or more, the court may order that they be served in the
32 custody of the Department of Corrections.'

34 Further amend the bill by inserting at the end before the
36 summary the following:

28 **FISCAL NOTE**

30 This bill will increase the number of prisoner days served
32 in a state correctional facility and reduce the number of days
34 served in a county jail, resulting in a shift of future costs
36 from the counties to the State. The increase in the number of
days and the associated costs can not be determined at this time.

38 This bill may also increase the number of civil suits filed
40 in the court system. The additional workload and administrative
42 costs associated with the minimal number of new cases filed can
44 be absorbed within the budgeted resources of the Judicial
46 Department. The collection of additional filing fees may also
increase General Fund revenue by minor amounts.'

44 **SUMMARY**

46 This amendment is the minority report of the Joint Standing
48 Committee on Criminal Justice and replaces the bill. The
amendment requires that a person who is sentenced to serve a term

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2 of imprisonment in a county jail must serve that term in the jail
in the county in which the crime was committed. If the county in
4 which the crime was committed does not have a jail, the sheriff
of that county shall make arrangements for the imprisonment of
6 that person in the jail of another county for the length of time
ordered by the court having jurisdiction. The sending county
8 shall pay the receiving county for the costs of boarding that
prisoner. The amendment also requires that if a sentence to a
10 term of imprisonment in a county jail is consecutive to or is to
be followed by a sentence of a term of imprisonment in the
12 custody of the Department of Corrections, the court imposing
either sentence shall order that both be served in the custody of
14 the Department of Corrections. The amendment also adds a fiscal
note.