

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1168

S.P. 354

In Senate, February 28, 2001

An Act Concerning the Sentencing of Persons to County Jails.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator McALEVEY of York.
Cosponsored by Representative WATERHOUSE of Bridgton and
Representatives: MUSE of South Portland, SHERMAN of Hodgdon, TUTTLE of Sanford.

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

4 **Sec. 1. 15 MRSA §1704** is amended to read:

6 **§1704. Commitment in county where crime was committed**

8 Any person sentenced by the District Court or Superior Court
10 to a term of imprisonment in a jail, not exceeding 4 9 months,
12 shall must be committed to the jail in the county in which such
14 ~~person is convicted, provided such county has a suitable jail,~~
~~otherwise such commitment may be to any jail in the State~~ the
crime was committed. If the county in which the crime was
committed does not have a jail, the sheriff of that county shall
make arrangements for the detention of that person in the jail of
another county.

16 **Sec. 2. 15 MRSA §1705**, as repealed and replaced by PL 1985,
18 c. 242, is repealed.

20 **Sec. 3. 17-A MRSA §1203, sub-§1-A, ¶C**, as enacted by PL 1999,
22 c. 788, §4, is amended to read:

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

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

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

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

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

42 **Sec. 4. 17-A MRSA §1206, sub-§9**, as amended by PL 1999, c.
44 788, §6, is further amended to read:

46 9. Whenever a previously suspended sentence of imprisonment
48 for a Class A, Class B or Class C crime is vacated, in whole or
50 in part, as the result of a probation revocation, the court must
respecify the place of imprisonment for both the portion required
to be served and any remaining suspended portion, if necessary,
~~to carry out the intent of~~ . The court shall determine the place

2 of imprisonment based upon the original underlying sentence using
3 the criteria outlined in section 1203, subsection 1-A.

4 **Sec. 5. 17-A MRSA §1252, sub-§1, ¶¶A and B,** as enacted by PL
5 1989, c. 693, §5, are amended to read:

6
7 A. For a Class D or Class E crime the court must specify a
8 the county jail in the county where the crime was committed
9 as the place of imprisonment.

10
11 B. For a Class A, Class B or Class C crime the court must:

12
13 (1) Specify a the county jail in the county where the
14 crime was committed as the place of imprisonment if the
15 term of imprisonment is 9 months or less; or

16
17 (2) Commit the person to the Department of Corrections
18 if the term of imprisonment is more than 9 months.

19
20 **Sec. 6. 17-A MRSA §1252, sub-§3-A,** as enacted by PL 1977, c.
21 196, is repealed.

22
23 **Sec. 7. 17-A MRSA §1252, sub-§7,** as enacted by PL 1989, c.
24 693, §7, is amended to read:

25
26 7. If a sentence to a term of imprisonment in a county jail
27 is consecutive to or is to be followed by a sentence to a term of
28 imprisonment in the custody of the Department of Corrections, the
29 court imposing either sentence may shall order that both be
30 served in the custody of the Department of Corrections. If a
31 court imposes consecutive terms of imprisonment for Class D or
32 Class E crimes and the aggregate length of the terms imposed is
33 ~~one-year~~ 9 months or more, the court may shall order that they be
34 served in the custody of the Department of Corrections.

35
36
37 **SUMMARY**

38
39 This bill provides that a person who commits a Class D or
40 Class E crime must be imprisoned in the county jail in the county
41 where the crime was committed. A person who commits a Class A,
42 Class B or Class C crime must be imprisoned in the county jail in
43 the county where the crime was committed if that person's
44 sentence is 9 months or less.

45
46 This bill also requires that a person whose suspended
47 sentence has been revoked be sent back to prison based upon the
48 original, underlying sentence for purposes of determining what
49 corrections facility is appropriate.
50

2 Finally, this bill precludes the sentencing of a person to
the county jail for consecutive sentences that exceed a total of
9 months. Currently, a person may be sentenced to serve
4 consecutive 9-month sentences for a total of 18 months at the
county jail. This bill requires that a person sentenced to a
6 term longer than 9 months is the responsibility of the Department
of Corrections.
8