MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

H.P. 940

House of Representatives, February 28, 2001

An Act to Amend the Supervised Community Confinement Program.

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

MILLICENT M. MacFARLAND, Clerk

Millient M. Mac Failand

Presented by Representative SKOGLUND of St. George.

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, as enacted by PL 1991, c. 845, §4, is amended to read:
 - 2. Participation. With the consent of the prisoner the commissioner may permit any prisoner committed to the department, except for a prisoner sentenced to imprisonment for life, to be transferred from a correctional facility to supervised community confinement subject to the following restrictions.
- A. A transfer to supervised community confinement may only be granted subject to rules adopted by the commissioner.
 - 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.
 - G.---A--prisoner--may--net--be--transferred--to--supervised community-confinement--unless-the-prisoner--has-no--more-than one-year--remaining-on--the-term-of--imprisonment-or,--in-the case-of--a-split-sentence,-on-the-unsuspended-portion,-after consideration--of--any--deductions--that--the--prisoner--has received-and-retained-under-Title-17-A,-section-1253.
 - D. A prisoner may-net-be-transferred-te-supervised community-confinement-if-the-prisoner who has a security classification level higher than minimum may not be transferred to supervised community confinement unless the commissioner first evaluates the prisoner and determines that the prisoner is a suitable candidate for supervised community confinement.

38 SUMMARY

- This bill amends the supervised community confinement program to do the following.
- 1. A prisoner who has been sentenced to life imprisonment is specifically excluded from participation in the program.
- 2. The provision restricting participation in the program to a prisoner who has one year or less remaining on the term of imprisonment is repealed, thus allowing a prisoner who has served at least 2/3 of the prisoner's sentence to be eligible for the program.

3. The provision prohibiting a prisoner who has a security classification higher than minimum from participating in the program is repealed; instead, if a prisoner has a classification higher than minimum, the prisoner may participate in the program if the Commissioner of Corrections evaluates the prisoner and determines that the prisoner is a suitable candidate for the program.