

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 5-9-03

(Filing No. H-311)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 633, L.D. 856, Bill, "An Act To Change Mandatory Minimum Sentences in Certain Cases"

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

Sec. 1. 17-A MRSA §1252, sub-§5-A, ¶B, as amended by PL 2001, c. 383, §151 and affected by §156, is further amended to read:

B. The court may impose a sentence other than a minimum unsuspended term of imprisonment set forth in paragraph A, if:

(1) The court finds by substantial evidence that:

(a) Imposition of a minimum unsuspended term of imprisonment under paragraph A will result in substantial injustice to the defendant. In making this determination, the court shall consider, among other considerations, whether the defendant did not know and reasonably should not have known that the victim was less than 18 years of age;

(b) Failure to impose a minimum unsuspended term of imprisonment under paragraph A will not have an adverse effect on public safety; and

(c) Failure to impose a minimum unsuspended term of imprisonment under paragraph A will not

COMMITTEE AMENDMENT

R 0 8

COMMITTEE AMENDMENT "A" to H.P. 633, L.D. 856

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38

appreciably impair the effect of paragraph A in deterring others from violating section 1105-A, 1105-B, 1105-C or 1105-D; and

(2) The court finds that:

~~(a) -- The defendant has no prior criminal history; and~~

(b) The defendant is an appropriate candidate for an intensive supervision program, but would be ineligible to participate under a sentence imposed under paragraph A; or

(c) The defendant's background, attitude and prospects for rehabilitation and the nature of the victim and the offense indicate that imposition of a sentence under paragraph A would frustrate the general purposes of sentencing set forth in section 1151.

If the court imposes a sentence under this paragraph, the court shall state in writing its reasons for its findings and for imposing a sentence under this paragraph rather than under paragraph A; and'

SUMMARY

This amendment replaces the bill. The bill makes a number of changes affecting sentences in crimes such as murder and OUI, the sentencing court's authority concerning mandatory minimum sentences and fines, and caps on fines. The amendment repeals the sentencing provision that requires that a person have no prior criminal history in order to be considered for a sentence that is other than a minimum mandatory term of imprisonment for a violation of the Maine Revised Statutes, Title 17-A, section 1105-A, 1105-B, 1105-C or 1105-D.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

Approved: 05/07/03 *MAC*

**121st Maine Legislature
Office of Fiscal and Program Review**

LD 856

An Act To Change Mandatory Minimum Sentences in Certain Cases



LR 0838(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

This bill may impact the length of imprisonment for certain offenders and is not expected to have a significant impact on the Department of Corrections.