

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1835

S.P. 678

In Senate, January 28, 2004

An Act To Increase Penalties for Certain Violent Crimes Committed against Senior Citizens

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Criminal Justice and Public Safety 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 BRYANT of Oxford.
Cosponsored by Speaker COLWELL of Gardiner and
Senators: CARPENTER of York, President DAGGETT of Kennebec, GAGNON of Kennebec,
HALL of Lincoln, MARTIN of Aroostook, STANLEY of Penobscot, Representative:
SNOWE-MELLO of Poland.

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

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Sec. 1. 17-A MRSA §1252, sub-§5-B, as enacted by PL 1999, c.
4 536, §2, is amended to read:

6 **5-B.** In using a sentencing alternative involving a term of
imprisonment for a person convicted of the attempted murder,
8 manslaughter, elevated aggravated assault or aggravated assault
of a child who had not in fact attained the age of 6 years or of
10 a person who had attained 65 years of age at the time the crime
was committed, a court shall assign special weight to this
12 objective fact in determining the basic term of imprisonment as
the first step in the sentencing process. The court shall assign
14 special weight to any subjective victim impact in determining the
maximum period of incarceration in the 2nd step in the sentencing
16 process. The court may not suspend that portion of the maximum
term of imprisonment based on objective or subjective victim
18 impact in arriving at the final sentence as the 3rd step in the
sentencing process. Nothing in this subsection may be construed
20 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

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This bill requires a court, when imposing a sentence of
imprisonment, to consider the age of the victim of a crime of
28 attempted murder, manslaughter, elevated aggravated assault or
assault if the victim was at least 65 years of age at the time of
30 the crime. The current law already requires that the age of the
victim be considered if the victim was less than 6 years of age
32 at the time of the crime.