

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 500

H.P. 375

House of Representatives, February 1, 2005

### **An Act To Decrease Correctional Costs and To Increase the Number of Probation Officers**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative FAIRCLOTH of Bangor.  
Cosponsored by Speaker RICHARDSON of Brunswick and  
Representative: PELLETIER-SIMPSON of Auburn.

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

4 **Sec. 1. 34-A MRSA §3036-B** is enacted to read:

6 **§3036-B. GPS tracking release program**

8 The commissioner shall establish by rule a GPS tracking  
10 release program, referred to in this section as "the program," in  
12 accordance with this section. For purposes of this section, "GPS  
14 tracking" means a mobile electronic tracking system employing  
16 global positioning system technology that allows the exact  
18 location of the person tracked to be monitored remotely at all  
20 times.

22 **1. Structure of program.** The program must be available to  
24 prisoners eligible under subsection 2 who volunteer to accept the  
26 conditions of release under subsection 3.

28 **2. Eligible prisoners.** A prisoner who meets the criteria  
30 under this subsection, regardless of when sentenced or  
32 incarcerated, is eligible to volunteer for the program. The  
34 prisoner must:

36 **A. Not be serving a sentence for or have a criminal history**  
38 **involving any violent crime or sexual offense as determined**  
40 **by the commissioner by rule. The rules must exclude from**  
42 **eligibility a prisoner serving a sentence for or having a**  
44 **criminal history that includes an offense against a person**  
46 **described in Title 17-A, chapter 9; any other crime**  
48 **involving violence or the threat of violence or involving**  
50 **the use or possession of a dangerous weapon in its**  
**commission; or any sexual offense, including, but not**  
**limited to, an offense described in Title 17-A, chapter 11**  
**or 12;**

**B. Have earned good time and not lost or failed to earn due**  
**to bad behavior good time for which the prisoner was**  
**eligible;**

**C. Have fewer than 36 months left to serve in prison; and**

**D. Have served more than half the prisoner's term of**  
**imprisonment.**

**3. Conditions of release.** A prisoner released under the  
program must agree to have a GPS tracking device secured to the  
prisoner's person in accordance with rules adopted by the  
commissioner for a period equal to the prisoner's remaining  
prison term plus 2 additional months.



2 their prison terms, have fewer than 36 months left to serve and  
3 agree to be fitted with a GPS tracking device. A prisoner  
4 accepted into the program would be fitted with the tracking  
5 device before being released and would be required to wear the  
6 device for the remainder of the prisoner's prison term plus an  
7 additional 2 months. The department is required to contract with  
8 a firm with appropriate expertise, which the department must  
9 choose through a competitive bidding process, to create the GPS  
10 tracking system.

11 Net savings produced by the program are directed as follows:  
12 40% to the General Fund; 40% to hire new probation officers; 10%  
13 to fund DNA analysis under the DNA Data Base and Data Bank Act;  
14 and 10% to fund computer crime law enforcement officers.