



## **122nd MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2005

**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

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

Millicent M. Mac Farland

MILLICENT M. MacFARLAND Clerk

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

Be it	enacted by the People of the State of Maine as follows:
	Sec.1. 34-A MRSA §3036-B is enacted to read:
<b>§</b> 303	6-B. GPS tracking release program
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	The commissioner shall establish by rule a GPS tracking
rele	ase program, referred to in this section as "the program," in
	rdance with this section. For purposes of this section, "GPS
	king" means a mobile electronic tracking system employing
	al positioning system technology that allows the exact
	tion of the person tracked to be monitored remotely at all
time	<u>S.</u>
-	1. Structure of program. The program must be available to
	oners eligible under subsection 2 who volunteer to accept the
<u>cond</u>	itions of release under subsection 3.
	2. Eligible prisoners. A prisoner who meets the criteria
<u>unde</u>	r this subsection, regardless of when sentenced or
	rcerated, is eligible to volunteer for the program. The
	oner must:
	A. Not be serving a sentence for or have a criminal history
	involving any violent crime or sexual offense as determined
	by the commissioner by rule. The rules must exclude from
	eligibility a prisoner serving a sentence for or having a
	criminal history that includes an offense against a person
	described in Title 17-A, chapter 9; any other crime
	involving violence or the threat of violence or involving
	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
	<u>or 12;</u>
	B. Have earned good time and not lost or failed to earn due
	to bad behavior good time for which the prisoner was
	<u>eligible;</u>
	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
prog	ram must agree to have a GPS tracking device secured to the
	oner's person in accordance with rules adopted by the
-	hissioner for a period equal to the prisoner's remaining
	con term plus 2 additional months.
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	4. Program design; contract. The department shall, through
2	a competitive bidding process, select and contract with an
	appropriate firm with expertise in GPS tracking technology and
4	systems to create a GPS tracking system for the program. The
	system must include, but is not limited to, real-time data
6	collection, secure remote monitoring and appropriate data storage
8	and retrieval systems.
0	5. Rules. Rules adopted pursuant to this section are
10	routine technical rules as defined in Title 5, chapter 375,
10	subchapter 2-A.
12	<u>Subchapter z-A.</u>
12	6 Jacousting and application of annions Who
14	6. Accounting and application of savings. The
14	commissioner shall identify, itemize and track all costs
	associated with the program and all savings that accrue from the
16	release of prisoners under the program. The annual fiscal year
	surplus of these savings over these costs must be applied as
18	follows:
20	) Forty persons analited to the Consuml Funds
20	A. Forty percent credited to the General Fund;
22	B. Forty percent applied to increase the number of field
	probation officers appointed under section 5402 over the
24	number employed by the commissioner in fiscal year 2004;
21	number emproyed by the commissioner in fiscar year 2004,
26	C. Ten percent applied to fund DNA analysis under the DNA
20	of ion porcent applied to rand but andrysis ander the but
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their prison terms, have fewer than 36 months left to serve and
agree to be fitted with a GPS tracking device. A prisoner accepted into the program would be fitted with the tracking
device before being released and would be required to wear the device for the remainder of the prisoner's prison term plus an
additional 2 months. The department is required to contract with a firm with appropriate expertise, which the department must
choose through a competitive bidding process, to create the GPS tracking system.

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