

MAINE STATE LEGISLATURE

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 866, L.D. 1248, Bill, "An Act Regarding the Initiation of Cases of Murder and Class A, B and C Crimes in Superior Court by Complaint"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 4 MRSA §165, sub-§3, as enacted by PL 1999, c. 731, Pt. ZZZ, §6 and affected by §42, is amended to read:

3. Crimes; one year or more imprisonment. The District Court has, concurrent with the Superior Court, original jurisdiction to receive pleas of guilty in criminal cases, other than murder, in which:

A. The maximum term of imprisonment to which the defendant may be sentenced upon conviction of that crime is one year or more;

B. The defendant has in writing waived the defendant's right to indictment by grand jury and the defendant's right to a jury trial; and

C. The defendant has indicated the defendant's intention to enter a plea of guilty to the charges pending against the defendant.

When exercising such jurisdiction, the District Court possesses all of the powers of the Superior Court. The District Court shall exercise that jurisdiction in the manner that the Supreme

COMMITTEE AMENDMENT

2 Judicial Court by rule provides. Any person sentenced under this
subsection is entitled to the rights provided by Title 15,
4 chapter 306-A.

6 ~~The District Court has jurisdiction to bind over for the grand
jury all other crimes.~~

8 Further amend the bill by inserting at the end before the
summary the following:

10 **Sec. 5. Effective date.** This Act takes effect January 1, 2006,
12 except that those sections of this Act that amend the Maine
Revised Statutes, Title 4, section 165, subsection 3 and Title
14 17-A, section 9, subsection 3 take effect July 1, 2006.'

16 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
18 consecutively.

20 **SUMMARY**

22 This amendment removes the District Court's jurisdiction to
24 bind over for the grand jury certain crimes.

26 This amendment adds an effective date to make the bill take
effect January 1, 2006, which is the effective date of the
28 amendments to the Maine Rules of Criminal Procedure related to
this bill that were recently adopted by the Supreme Judicial
30 Court. The rules will not eliminate the bind-over jurisdiction
of the District Court until July 1, 2006 to allow the existing
32 cases to be handled by the existing system. This amendment
provides that the 2 sections eliminating the District Court's
34 bind-over jurisdiction do not take effect until July 1, 2006.