

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1356

H.P. 939

House of Representatives, March 17, 2005

An Act To Amend the Maine Criminal Code Regarding Deferred Disposition and Administrative Release

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SYKES of Harrison.

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

2
4 **Sec. 1. 17-A MRSA §1348-A, sub-§1**, as enacted by PL 2003, c.
711, Pt. A, §19, is amended to read:

6 1. Following the acceptance of a plea of guilty for a crime
8 for which a person is eligible for a deferred disposition under
10 section 1348, the court may order sentencing deferred to a date
12 certain or determinable and impose requirements upon the person,
14 to be in effect during the period of deferment, considered by the
16 court to be reasonable and appropriate to assist the person to
18 lead a law-abiding life. The court-imposed deferment
20 requirements must include a requirement that the person refrain
22 from criminal conduct and pay to the appropriate county an
administrative supervision fee of not less than \$10 and not more
than \$50 per month, as determined by the court, for the term of
the deferment. In determining the amount of the fee, the court
shall take into account the financial resources of the person and
the nature of the burden its payment imposes. In exchange for
the deferred sentencing, the person shall abide by the
court-imposed deferment requirements. Unless the court orders
otherwise, the requirements are immediately in effect.

24 **Sec. 2. 17-A MRSA §1348-B, sub-§2**, as enacted by PL 2003, c.
26 711, Pt. A, §19, is amended to read:

28 2. If during the period of deferment the attorney for the
30 State has probable cause to believe that a person who was granted
32 deferred disposition pursuant to section 1348-A has violated a
34 court-imposed deferment requirement, the attorney for the State
36 may move the court to terminate the remainder of the period of
38 deferment and impose sentence. Following notice and hearing, if
40 the court finds by a preponderance of the evidence that the
42 person has inexcusably failed to comply with a court-imposed
44 deferment requirement, the court may continue the running of the
46 period of deferment with the requirements unchanged, modify the
48 requirements, add further requirements or terminate the running
50 of the period of deferment and impose a sentencing alternative
authorized for the crime to which the person pled guilty. When a
person fails to pay the administrative supervision fee as
required under section 1348-A, subsection 1, the court may
terminate the running of the period of deferment and impose
sentence unless the person shows that failure to pay was not
attributable to a willful refusal to pay or to a failure on that
person's part to make a good faith effort to obtain the funds
required for the payment. If the court finds that the person has
not inexcusably failed to comply with a court-imposed deferment
requirement, the court may order that the running of the period
of deferment continue or, after notice and hearing, take any
other action permitted under this chapter.

2 **Sec. 3. 17-A MRSA §1349-C, sub-§1**, as enacted by PL 2003, c.
711, Pt. A, §19, is amended to read:

4
6 1. If the court imposes a suspended sentence with
7 administrative release under section 1349-B, the court shall
8 attach requirements of administrative release, as authorized by
9 this section, as the court determines to be reasonable and
10 appropriate to help ensure accountability and rehabilitation of
11 the person. The court-imposed requirements of administrative
12 release must include a requirement that the convicted person
13 refrain from criminal conduct and pay to the appropriate county
14 an administrative supervision fee of not less than \$10 and not
15 more than \$50 per month, as determined by the court, for the term
16 of the administrative release. In determining the amount of the
17 fee, the court shall take into account the financial resources of
18 the person and the nature of the burden its payment imposes.
19 When a person fails to pay the administrative supervision fee,
20 the court may revoke administrative release as provided in
21 sections 1349-D and 1349-E unless the person shows that failure
22 to pay was not attributable to a willful refusal to pay or to a
23 failure on that person's part to make a good faith effort to
24 obtain the funds required for the payment.

26 SUMMARY

28 This bill requires a defendant to pay an administrative
supervision fee of not less than \$10 and not more than \$50 per
30 month, as determined by the court, to the appropriate county in
cases in which the court grants administrative release or
32 deferred disposition.