

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1505

S.P. 521

In Senate, March 29, 2005

An Act To Amend the Sentencing Laws

(EMERGENCY)

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 DIAMOND of Cumberland. (GOVERNOR'S BILL)
Cosponsored by Representative BLANCHETTE of Bangor and
Senator: CLUKEY of Aroostook, Representatives: CHURCHILL of Washburn, GERZOFSKY
of Brunswick, GROSE of Woolwich, SYKES of Harrison.

2 **Emergency preamble.** Whereas, acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** the Commission to Improve the Sentencing,
Supervision, Management and Incarceration of Prisoners was
8 established by the Legislature to examine the factors leading to
prison overcrowding, the impact of current sentencing laws, the
10 use of alternative sentences and means to reduce recidivism, in
particular recidivism caused by mental illness and substance
abuse; and

12
14 **Whereas,** the commission's recommendations to create
sentencing alternatives for certain classes of offenses were
16 enacted; however, greater judicial discretion is necessary to
deter future criminal conduct and for the safety of victims of
crime; and

18
20 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
22 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore,

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

26 **Sec. 1. 17-A MRSA §1152, sub-§2, ¶G,** as amended by PL 1995, c.
28 136, §1, is further amended to read:

30 G. A fine as authorized by chapter 53. Such a fine may be
imposed in addition to the sentencing alternatives in
32 paragraphs B, D, E and F, H, I, L and M;

34 **Sec. 2. 17-A MRSA §1152, sub-§2, ¶¶K and L,** as enacted by PL
2003, c. 711, Pt. A, §9, are amended to read:

36 K. A fine, suspended in whole or in part, with, at the
38 court's discretion, administrative release as authorized by
chapter 54-G; ~~or~~

40 L. A suspended term of imprisonment with administrative
42 release as authorized by chapter 54-G; or

44 **Sec. 3. 17-A MRSA §1152, sub-§2, ¶M** is enacted to read:

46 M. A split sentence of imprisonment with administrative
48 release as authorized by chapter 54-G.

50 **Sec. 4. 17-A MRSA §1172, sub-§1, ¶¶A, B, D and E,** as enacted by
PL 1995, c. 680, §5, are amended to read:

2 A. The details of a plea agreement, including a deferred
3 disposition, before it is submitted to the court;

4
5 B. The right to comment on the a plea agreement, including
6 a deferred disposition, pursuant to section 1173;

7
8 D. The time and place of sentencing; and

9
10 E. The right to participate at sentencing pursuant to
11 section 1174; and

12 **Sec. 5. 17-A MRS §1172, sub-§1, ¶F** is enacted to read:

13
14 F. The right to comment on the proposed early termination
15 of probation, early termination of administrative release or
16 conversion of probation to administrative release, pursuant
17 to section 1174-A.

18
19 **Sec. 6. 17-A MRS §1174-A** is enacted to read:

20
21 **§1174-A. Termination or conversion procedure**

22
23 When the attorney for the State receives notice of a motion
24 seeking early termination of probation or early termination of
25 administrative release or seeking to convert probation to
26 administrative release, the attorney for the State shall disclose
27 to the court any attempts made to notify each victim of the
28 motion to terminate or convert and any objection to the motion by
29 a victim. If a hearing is held on the motion by the court and
30 the victim is present in court, the victim may address the court
31 at that time.

32
33 **Sec. 7. 17-A MRS §1201, sub-§1, ¶A-1**, as enacted by PL 2003,
34 c. 711, Pt. A, §10, is amended to read:

35
36
37 A-1. The conviction is for a Class D or Class E crime other
38 than ~~any--Class--D--crime--committed--against--a--family--or~~
39 ~~household--member--under--chapter--9--or--13--or--section--506-B,~~
40 ~~554,-555--or--758; any--Class--D--or--Class--E--crime--in--chapter--11~~
41 ~~or--12; a--Class--D--or--Class--E--crime--under--section--556,-854,~~
42 ~~excluding--subsection--1,- paragraph--A,- subparagraph--(1),-or~~
43 ~~855,- and--the--Class--D--or--Class--E--crime--under--Title--29-A,~~
44 ~~section--2411,- subsection--1-A,- paragraph--B,- As--used--in--this~~
45 ~~paragraph,-"family--or--household--member"-has--the--same--meaning~~
46 ~~as--in--Title--19-A,- section--4002,- subsection--4;~~

47
48 (1) A Class D or Class E crime relative to which,
49 based upon both the written agreement of the parties
50 and a court finding, the facts and circumstances of the

2 underlying criminal episode giving rise to the
4 conviction generated probable cause to believe the
6 defendant had committed a Class A, Class B or Class C
8 crime in the course of that criminal episode and, as
10 agreed upon in writing by the parties and found by the
12 court, the defendant has no prior conviction for murder
14 or for a Class A, Class B or Class C crime and has not
16 been placed on probation pursuant to this subparagraph
18 on any prior occasion;

20 (2) A Class D crime committed against a family or
22 household member under chapter 9 or 13 or section
24 506-B, 554, 555 or 758. As used in this subparagraph,
26 "family or household member" has the same meaning as in
28 Title 19-A, section 4002, subsection 4;

30 (3) A Class D or Class E crime in chapter 11 or 12;

32 (4) A Class D crime under section 210-A;

34 (5) A Class D or Class E crime under section 556,
36 section 854, excluding subsection 1, paragraph A,
38 subparagraph (1), or section 855;

40 (6) A Class D crime in chapter 45 relating to a
42 schedule W drug; or

44 (7) A Class D or Class E crime under Title 29-A,
46 section 2411, subsection 1-A, paragraph B.

48 **Sec. 8. 17-A MRSA §1202, sub-§2**, as amended by PL 1997, c.
50 421, Pt. B, §1, is further amended to read:

34 2. During the period of probation specified in the sentence
36 made pursuant to subsection 1, and upon application of a person
38 on probation or the person's probation officer, or upon its own
40 motion, the court may, after a hearing upon notice to the
42 probation officer and the person on probation, modify the
44 requirements imposed by the court or a community reparations
46 board, add further requirements authorized by section 1204, or
relieve the person on probation of any requirement imposed by the
court or a community reparations board that, in its opinion,
imposes on the person an unreasonable burden. If the person on
probation cannot meet a requirement imposed by the court or a
community reparations board, the person shall bring a motion
under this subsection.

48 Notwithstanding this subsection, the court may grant, ex parte, a
50 motion brought by the probation officer to add further
requirements if the requirements are immediately necessary to

2 protect the safety of an individual or the public and if all
reasonable efforts have been made to give written or oral notice
4 to the person on probation. Any requirements added pursuant to
an ex parte motion do not take effect until written notice of the
6 requirements, along with written notice of the scheduled date,
time and place when the court shall hold a hearing on the added
requirements, is given to the person on probation.

8
10 **Sec. 9. 17-A MRSA §1202, sub-§2-A,** as enacted by PL 2003, c.
711, Pt. A, §13, is amended to read:

12 **2-A.** Once the period of probation has commenced, on
14 ~~applicati~~ motion of the probation officer, or of the person on
probation, or on the court's own motion, the court may convert at
16 any time a period of probation for a Class D or Class E crime or
a Class C crime under Title 29-A, section 2557 to a period of
administrative release. A conversion to administrative release
18 may not be ordered ~~upon the motion of the person on probation~~
unless notice of the motion is given to the probation officer by
20 ~~the person on probation and the attorney for the State.~~ The
provisions of chapter 54-G apply when probation is converted to
22 administrative release. Conversion to administrative release
serves to relieve the person on probation of any obligations
24 imposed by the probation conditions.

26 **Sec. 10. 17-A MRSA §1202, sub-§3,** as amended by PL 2003, c.
711, Pt. A, §14, is further amended to read:

28
30 **3.** Once the period of probation has commenced, on
~~applicati~~ motion of the probation officer, or of the person on
probation, or on its own motion, the court may terminate at any
32 time a period of probation and discharge the convicted person at
any time earlier than that provided in the sentence made pursuant
34 to subsection 1, if warranted by the conduct of such person. A
termination and discharge may not be ordered ~~upon the motion of~~
36 ~~the person on probation~~ unless notice of the motion is given to
the probation officer by the person on probation and the attorney
38 for the State. Such termination and discharge serves to relieve
the person on probation of any obligations imposed by the
40 sentence of probation.

42 **Sec. 11. 17-A MRSA §1348-A, sub-§3** is enacted to read:

44 3. During the period of deferment, if the person cannot
46 meet a deferment requirement imposed by the court, the person
shall bring a motion pursuant to subsection 2.

48 **Sec. 12. 17-A MRSA §1348-B, sub-§§1, 2 and 5,** as enacted by PL
2003, c. 711, Pt. A, §19, are amended to read:

2 1. Unless a court hearing is sooner held under subsection
4 2, at the conclusion of the period of deferment, after notice, a
6 person who was granted deferred disposition pursuant to section
8 1348-A shall return to court for a hearing on final disposition.
10 If the ~~court finds~~ person demonstrates by a preponderance of the
12 ~~evidence~~ evidence that the person has complied with the court-imposed
14 deferment requirements, the court shall impose a ~~sentence--of~~
16 ~~unconditional-discharge-under-section-1346~~ sentencing alternative
18 authorized for the crime to which the person pled guilty and
20 consented to in writing at the time sentencing was deferred or as
22 amended by agreement of the parties in writing prior to
 sentencing, unless the attorney for the State, prior to sentence
 imposition, moves the court to allow the person to withdraw the
 plea of guilty. Except over the objection of the defendant, the
 court shall grant the State's motion. Following the granting of
 the State's motion, the attorney for the State shall dismiss the
 pending charging instrument with prejudice. If the court finds
 that the person has inexcusably failed to comply with the
 court-imposed deferment requirements, the court shall impose a
 sentencing alternative authorized for the crime to which the
 person pled guilty.

24 2. If during the period of deferment the attorney for the
26 State has probable cause to believe that a person who was granted
28 deferred disposition pursuant to section 1348-A has violated a
30 court-imposed deferment requirement, the attorney for the State
32 may move the court to terminate the remainder of the period of
34 deferment and impose sentence. Following notice and hearing, if
36 the ~~court finds~~ attorney for the State proves by a preponderance
38 of the evidence that the person has inexcusably failed to comply
40 with a court-imposed deferment requirement, the court may
42 continue the running of the period of deferment with the
 requirements unchanged, modify the requirements, add further
 requirements or terminate the running of the period of deferment
 and impose a sentencing alternative authorized for the crime to
 which the person pled guilty. 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.

44 5. A summons ~~must~~ may be used to order a person who was
46 granted deferred disposition pursuant to section 1348-A to appear
48 for a hearing under this section. If the person ~~can-be-located~~
 ~~and-served-with-a-summons,~~ ~~the-attorney-for-the-State-may-not~~
 ~~commence-a-hearing-under-this-section-by-having-the-person~~
 ~~arrested,~~ ~~except-that-a-person-who~~ fails to appear as required
 ~~may-be-arrested-pursuant-to-a-bench-warrant-or-an-order-of~~ after

2 having been served with a summons, the court may issue a warrant
3 for the arrest of the person.

4 **Sec. 13. 17-A MRSA §1348-B, sub-§6**, as enacted by PL 2003, c.
5 711, Pt. A, §19, is repealed.

6 **Sec. 14. 17-A MRSA §1348-B, sub-§7** is enacted to read:

7 7. If during the period of deferment the attorney for the
8 State has probable cause to believe that a person who was granted
9 deferred disposition pursuant to section 1348-A has violated a
10 court-imposed deferment requirement, the attorney for the State
11 may apply for a warrant for the arrest of the person.

12 **Sec. 15. 17-A MRSA §1349, sub-§1**, as corrected by RR 2003, c.
13 2, §28, is amended to read:

14 1. A person who has been convicted of a Class D or Class E
15 crime or a Class C crime under Title 29-A, section 2557 may be
16 sentenced to a sentence alternative under section 1152 that
17 includes a period of administrative release, unless:

18 A. The statute that the person is convicted of violating
19 expressly provides that the fine and imprisonment penalties
20 it authorizes may not be suspended, in which case the
21 convicted person must be sentenced to the imprisonment and
22 required to pay the fine authorized therein;

23 B. The court sentences the person to a sentencing
24 alternative under section 1152 that includes a period of
25 probation; or

26 C. The court finds that such a sentence would diminish the
27 gravity of the crime for which that person was convicted.

28 **Sec. 16. 17-A MRSA §1349-A, sub-§2-A** is enacted to read:

29 2-A. During the period of administrative release, if the
30 person cannot meet a requirement of administrative release
31 imposed by the court, the person shall bring a motion pursuant to
32 subsection 2.

33 **Sec. 17. 17-A MRSA §1349-B, sub-§1**, as enacted by PL 2003, c.
34 711, Pt. A, §19, is amended to read:

35 1. The court may sentence a person to a term of
36 imprisonment not to exceed the maximum term authorized for the
37 Class D or Class E crime or the Class C crime under Title 29-A,
38 section 2557, suspend the entire term of imprisonment in whole or
39 in part and accompany the suspension with a period of
40 probation.

2 administrative release not to exceed the one year authorized
under section 1349-A, subsection 1.

4 **Sec. 18. 17-A MRSA §1349-D**, as enacted by PL 2003, c. 711,
Pt. A, §19, is amended to read:

6
8 **§1349-D. Commencement of administrative release
revocation proceeding**

10 1. If during the period of administrative release the
12 attorney for the State has probable cause to believe that the
14 person placed on administrative release has violated a
16 requirement of administrative release, the attorney for the State
18 may file a motion with the court seeking to revoke administrative
20 release ~~and cause a summons to be delivered to the person placed
on administrative release ordering that person to appear for a
court hearing on the alleged violation.~~ The motion must set
forth the facts underlying the alleged violation. ~~The summons
must be in the same form as a summons under section 1205-B,
subsection 2 except that the summons must include the signature
of a law enforcement officer other than a probation officer.~~

22
24 1-A. A summons may be used to order a person who was placed
on administrative release to appear on a motion to revoke that
person's administrative release.

26
28 2. A person placed on administrative release appearing on a
30 motion to revoke administrative release pursuant to a summons
must be afforded an initial appearance as provided in section
1205-C, subsection 4.

32 3. If the person placed on administrative release fails to
34 appear in court after having been served with a summons, the
court may issue a warrant for the arrest of the person. After
36 arrest of the person, the court shall afford the person a
preliminary hearing an initial appearance as provided in section
38 1205-C, subsection 4, and, if retained in custody, section
1205-C, subsection 3 applies.

40 4. ~~If the person placed on administrative release can be
located and served a summons, the attorney for the State may not
42 commence the administrative release proceeding by having the
person arrested. However, if the person can not, with due
44 diligence, be located, the attorney for the State shall file a
written notice of this fact with the court and obtain a warrant
46 of arrest under Rule 41 of the Maine Rules of Criminal
Procedure.~~ If during the period of administrative release the
48 attorney for the State has probable cause to believe that the
person placed on administrative release has violated a
50 requirement of administrative release, the attorney for the State

2 may apply for a warrant for the arrest of the person. Unless
3 sooner released, the court shall provide the person with an
4 initial appearance on the revocation of administrative release
5 within 14 days after arrest. A copy of the motion must be
6 furnished to the person prior to or at the initial appearance.
7 The initial appearance is as provided in section 1205-C,
8 subsection 4. Bail is as provided in section 1205-C, subsections
9 5 and 6.

10 **Sec. 19. 19-A MRSA §4002, sub-§4,** as amended by PL 2003, c.
11 672, §16, is further amended to read:

12 **4. Family or household members.** "Family or household
13 members" means spouses or domestic partners or former spouses or
14 former domestic partners, individuals presently or formerly
15 living together as spouses, natural parents of the same child,
16 adult household members related by consanguinity or affinity or
17 minor children of a household member when the defendant is an
18 adult household member and, for the purposes of this chapter and
19 Title 17-A, sections 1201, 1202 and 1253 only, includes
20 individuals presently or formerly living together and individuals
21 who are or were sexual partners. Holding oneself out to be a
22 spouse is not necessary to constitute "living as spouses." For
23 purposes of this subsection, "domestic partners" means 2
24 unmarried adults who are domiciled together under long-term
25 arrangements that evidence a commitment to remain responsible
26 indefinitely for each other's welfare.

27 **Sec. 20. 34-A MRSA §5402, sub-§3, ¶¶B and C,** as amended by PL
28 1995, c. 502, Pt. F, §34, are further amended to read:

29 B. Obtain psychiatric, psychological and other necessary
30 services; and

31 C. Sign documents, including warrants and extradition
32 papers, for the board when so instructed by the board; and

33 **Sec. 21. 34-A MRSA §5402, sub-§3, ¶F** is enacted to read:

34 F. Provide for necessary assessment and supervision
35 procedures and direct the use of adult probation resources
36 and staff to the management of adult probationers with a
37 high risk of reoffending.

38 **Sec. 22. 34-A MRSA §5404, sub-§3, ¶A,** as amended by PL 1989,
39 c. 127, §14, is further amended to read:

40 A. Supervise the probation, parole or intensive supervision
41 of each person placed under the officer's supervision to
42 ensure that departmental resources are directed to the
43

management of persons with a high risk of reoffending;

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

SUMMARY

This bill:

1. Amends the Maine Revised Statutes, Title 17-A, section 1152, subsection 2 in 2 regards. First, it adds references in paragraph G to the sentencing alternatives in paragraphs H, I, L and M since a fine may be imposed in addition to these added sentencing alternatives as well as those sentencing alternatives currently listed paragraphs B, D, E and F. Second, a paragraph M is enacted relative to a split sentence of imprisonment with administrative release as authorized by chapter 54-G because this bill creates this new sentencing alternative in Title 17-A, section 1348-B, subsection 1;

2. Amends Title 17-A, section 1172, subsection 1 by adding a reference to "deferred disposition" in paragraphs A and B and by enacting a new paragraph F that imposes a new duty on the attorney for the State when practicable to make a good faith effort to inform a crime victim of the right to comment on the proposed early termination of probation, early termination of administrative release or conversion of probation to administrative release;

3. Enacts Title 17-A, section 1174-A, which imposes a new duty on the attorney for the State after receiving notice of a motion seeking early termination of probation or early termination of administrative release or seeking to convert probation to administrative release to disclose to the court any attempts made to notify the victim of the motion and any objection to the motion by the victim. It also provides the victim a right to be heard on the motion in the event a hearing is held by the court and the victim is physically present in the courtroom;

4. Amends Title 17-A, section 1201, subsection 1, paragraph A-1 by enacting a new subparagraph (1) authorizing probation following conviction for those Class D and Class E crimes relative to which, based upon both the written agreement of the parties and a court finding, the facts and circumstances of the underlying criminal episode giving rise to the conviction generated probable cause to believe the defendant had committed a Class A, Class B or Class C crime in the course of that criminal episode, and as agreed upon in writing by the parties and found

2 by the court, the defendant has no prior conviction for murder or
for a Class A, Class B or Class C crime and has not been placed
4 on probation pursuant to this subparagraph on any prior
occasion. The availability of probation provides the impetus for
6 the attorney for the State to forego the felony in favor of a
misdemeanor disposition. The bill enacts a new subparagraph (4)
8 to paragraph A-1 authorizing probation following conviction for a
Class D crime of stalking, a violation of Title 17-A, section
210-A, subsection 1, paragraph A. Currently, probation is
10 authorized for Class D stalking only if committed against a
family or household member. It enacts a new subparagraph (6) to
12 paragraph A-1 authorizing probation following conviction for a
Class D crime in Title 17-A, chapter 45 relating to a schedule W
14 drug. Chapter 45 includes unlawful possession of scheduled drugs
as well as various criminal attempts;

16
18 5. Amends Title 17-A, section 1202, subsection 2 by
imposing on a person on probation the duty to bring a motion
20 pursuant to the subsection if the probationer, at any time during
the period of probation, cannot meet a requirement imposed by the
court or a community reparations board;

22
24 6. Amends Title 17-A, section 1202, subsection 2-A in 3
ways. First, the word "application" is replaced by the word
"motion," which more accurately describes the process. Second, a
26 court is authorized to convert a period of probation imposed for
the Class C crime of operating after habitual offender
28 revocation, pursuant to Title 29-A, section 2557, to a period of
administrative release. Third, a conversion from probation to
30 administrative release by a court sought by the probationer, the
probation officer or the court on its own motion is made
32 contingent upon notice of the motion being provided to the
attorney for the State as well as the probation officer;

34
36 7. Amends Title 17-A, section 1202, subsection 3 in 2
ways. First, the word "application" is replaced by the word
"motion." Second, a termination of probation and discharge by a
38 court sought by the probationer, the probation officer or the
court on its own motion is made contingent upon notice of the
40 motion being provided to the attorney for the State as well as
the probation officer;

42
44 8. Enacts Title 17-A, section 1348-A, subsection 3, which
imposes on the person granted a deferred disposition the duty to
46 bring a motion pursuant to section 1348-A, subsection 2 if, at
any time during the period of deferment, the person cannot meet a
deferment requirement imposed by the court;

48
50 9. Amends Title 17-A, section 1348-B, subsection 1 in 2
ways. First, it clarifies which party has the burden of proof

2 and what that burden is by expressly providing that at the
hearing on final disposition at the conclusion of the period of
4 deferment the person granted a deferred disposition must
demonstrate compliance with the court-imposed deferment
6 requirements by a preponderance of the evidence. Second, it
changes current law by providing that in the event the person
8 granted a deferred disposition meets the person's burden of
proof, the sentence to be imposed by the court is any sentence
10 alternative authorized for the crime that was either agreed to in
writing at the time the sentencing was originally deferred or as
12 amended by agreement of the parties in writing subsequently but
prior to the actual sentence being imposed;

14 10. Amends Title 17-A, section 1348-B, subsection 2 to
clarify which party has the burden of proof by expressly
16 providing that at the hearing on the State's motion to terminate
the remainder of the period of deferment and impose sentence the
18 State must demonstrate that the person granted a deferred
disposition has inexcusably failed to comply with a court-imposed
20 deferment requirement;

22 11. Amends Title 17-A, section 1348-B, subsection 5,
repeals section 1348-B, subsection 6 and enacts section 1348-B,
24 subsection 7, simplifying the summons process and the arrest
warrant process for persons on deferred disposition. To obtain
26 the presence of the person granted a deferred disposition at the
hearing on final disposition at the conclusion of the period of
28 deferment, the summons process is contemplated. If the person
fails to appear after having been served with a summons, the
30 court may issue a warrant of arrest of the person. To obtain the
presence of the person granted a deferred disposition at the
32 hearing on the State's motion to terminate the remainder of the
period of deferment and impose sentence, both the arrest warrant
34 process and the summons process are available to the State in
order to obtain the appearance of the person;

36 12. Amends Title 17-A, section 1349 to make a person who
38 has been convicted of operating after habitual offender
revocation, pursuant to Title 29-A, section 2557, eligible for a
40 sentence alternative that includes a period of administrative
release;

42 13. Enacts Title 17-A, section 1349-A, subsection 2-A,
44 which imposes on the person placed on administrative release the
duty to bring a motion under section 1349-A, subsection 2 if, at
46 any time during the period of administrative release, the person
cannot meet a requirement of administrative release imposed by
48 the court;

50 14. Amends Title 17-A, section 1349-B, subsection 1 in 2

2 regards. First, it includes a reference to the Class C crime of
operating after habitual offender revocation, pursuant to Title
4 29-A, section 2557, as a crime for which, following conviction,
the person is eligible for a sentence alternative that includes a
6 period of administrative release. Second, it creates the new
sentencing alternative of a split sentence of imprisonment with
8 administrative release. Currently, only a wholly suspended term
of imprisonment could be accompanied by a period of
administrative release;

10
12 15. Amends Title 17-A, section 1349-D to simplify the
summons process and the arrest warrant process for persons on
14 administrative release. To obtain the presence of a person who
was placed on administrative release at the hearing on the motion
16 to revoke administrative release filed by the State, both the
summons process and the arrest warrant process are available to
the State;

18
20 16. Amends Title 19-A, section 4002, subsection 4 to
expressly make the definition of "family and household members"
22 contained therein applicable to Title 17-A, sections 1201, 1202
and 1253;

24 17. Enacts Title 34-A, section 5402, subsection 3,
paragraph F, which empowers the Commissioner of Corrections to
26 provide for necessary assessment and supervision procedures and
direct the use of adult probation resources and staff to the
28 management of adult probationers with a high risk of offending;
and

30
32 18. Amends Title 34-A, section 5404, subsection 3,
paragraph A relative to supervision of persons by probation and
34 parole or intensive supervision program officers by providing
that the purpose of supervision of each person placed under the
36 officer's supervision is to ensure that departmental resources
are directed to the management of persons with a high risk of
reoffending.

38