

MAINE STATE LEGISLATURE

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L.D. 1717

DATE: 3/1/06

(Filing No. H-794)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Report B

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1224, L.D. 1717, Bill, "An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age"

Amend the bill in section 1 in paragraph C in the 3rd to 7th lines (page 1, lines 8 to 12 in L.D.) by striking out the following: "and that the defendant has previously been convicted and sentenced for committing gross sexual assault, rape or gross sexual misconduct against a victim who had not attained 12 years of age" and inserting in its place the following: '~~and that the defendant has previously been convicted and sentenced for committing gross sexual assault, rape or gross sexual misconduct against a victim who had not attained 12 years of age~~'

SUMMARY

This amendment is one of 2 minority reports of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment corrects a drafting error in the bill. This change reflects the bill's original intent, which is to create a 25-year minimum mandatory sentence of imprisonment followed by probation for life for a first offense gross sexual assault against a person who has not attained 12 years of age.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 1717

LR 2770(02)

An Act to Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Future biennium cost increase - General Fund

Correctional and Judicial Impact Statements

Establishing a 25 year minimum mandatory sentence for violators who have been convicted of certain sex offenses against persons who have not attained 12 years of age and requiring electronic monitoring for their probation will result in additional future costs to the Department of Corrections. Since approximately 20 people are sentenced to this crime each year and the average sentence is 5 years, this legislation adds approximately 20 years to each sentence and will result in additional costs, including the compound effect of sentences in subsequent years, of an estimated \$700,000 in fiscal year 2010-11, \$1,400,000 in fiscal year 2011-12, \$2,100,000 in fiscal year 2012-13, etc. The compounding would continue through the 25th year when costs would level off.

The Judicial Department has indicated that mandatory minimum sentences will result in fewer cases being resolved without trial, increasing trial and sentencing costs due to additional time requirements for judges, clerks, law clerks, security, court report