

MAINE STATE LEGISLATURE

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1
2 Date: 6/8/07

L.D. 149
(Filing No. H-508)

3 **CRIMINAL JUSTICE AND PUBLIC SAFETY**

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5 **STATE OF MAINE**
6 **HOUSE OF REPRESENTATIVES**
7 **123RD LEGISLATURE**
8 **FIRST REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to H.P. 131, L.D. 149, Bill, "An Act To Take
10 into Account the Crime Committed That Facilitated a Sexual Assault"

11 Amend the bill by striking out everything after the enacting clause and before the
12 summary and inserting the following:

13 **Sec. 1. 17-A MRSA §1252, sub-§4-F** is enacted to read:

14 4-F. If the State pleads and proves that a Class B or C crime was committed with the
15 intent to facilitate a chapter 11 crime, and the person is convicted of both the offense that
16 facilitated the chapter 11 crime and the chapter 11 crime, the sentencing class for the
17 crime that facilitated the chapter 11 crime is one class higher than it would otherwise be.
18 In the case of a Class A crime, the sentencing class is not increased, but the prior record
19 must be given serious consideration by the court when imposing a sentence.

20 **Sec. 2. 17-A MRSA §1256, sub-§3-A** is enacted to read:

21 3-A. Notwithstanding subsection 3, paragraph B, if the State pleads and proves that a
22 Class A, B or C crime was committed with the intent to facilitate a chapter 11 crime, and
23 the person is convicted of both the offense that facilitated the chapter 11 crime and the
24 chapter 11 crime, the court may sentence the person to serve the terms of imprisonment
25 consecutively.

26 **SUMMARY**

27 This amendment replaces the bill and clarifies the intent by moving the new
28 sentencing provisions proposed in the bill to the more appropriate sections of the Maine
29 Revised Statutes, Title 17-A, sections 1252 and 1256. The amendment makes the ability

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 131, L.D. 149

1 to impose consecutive sentences discretionary instead of mandatory. The amendment
2 also makes technical language changes to conform to the Maine Criminal Code.

3 **FISCAL NOTE REQUIRED**
4 **(See attached)**



123rd MAINE LEGISLATURE

LD 149

LR 134(02)

An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault

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

Correctional and Judicial Impact Statements

This bill allows the increase of certain offenses from Class C to Class B and Class B to Class A, increasing the average length of stay for offenders. It is discretionary for certain sentences to be served consecutively.

Fiscal Detail and Notes

This legislation increases certain offenses by taking into account the crime committed that facilitated the sexual assault. This change will increase costs to the state correctional facilities for longer time served and will require additional time for judges, clerks, law clerks, security, court reporters and indigent defense. Since felony charges are given priority within the Judicial Branch, other case types in the judicial system may be delayed.