

MAINE STATE LEGISLATURE

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Date: 1/9/8

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “*B*” to H.P. 131, L.D. 149, Bill, “An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault”

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

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

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

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

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

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior, District and Administrative 0063

Initiative: Provides funds for additional jury trial costs.

GENERAL FUND	2007-08	2008-09
All Other	\$0	\$960

COMMITTEE AMENDMENT

1008

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

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GENERAL FUND TOTAL

_____ \$0 _____ \$960

SUMMARY

This amendment replaces the bill and clarifies the intent by moving the new sentencing provisions proposed in the bill to the more appropriate sections of the Maine Revised Statutes, Title 17-A, sections 1252 and 1256. The amendment makes the ability to impose consecutive sentences discretionary instead of mandatory. The amendment also makes technical language changes to conform to the Maine Criminal Code. The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)



123rd MAINE LEGISLATURE

LD 149

LR 134(04)

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

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

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$0	\$960	\$960	\$32,770
Appropriations/Allocations				
General Fund	\$0	\$960	\$960	\$32,770

Correctional and Judicial Impact Statements

Increases certain offenses from Class C to Class B and Class B to Class A, increasing the average length of stay for offenders. See cost detail below.

Fiscal Detail and Notes

Correctional Cost Detail	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Class B to Class A Crimes	\$31,810	\$107,700	\$183,590	\$259,480	\$297,530
Class C to Class B Crimes	\$0	\$0	\$0	\$0	\$0
Total Cost - All Convictions	\$31,810	\$107,700	\$183,590	\$259,480	\$297,530

This estimate assumes 2 convictions annually beginning in Fiscal Year 2008-09. The cost estimate assumes that all convictions will be changes from Class B to Class A crimes. There were no existing convictions for Class C crimes. This assumes that the average length of sentence will increase from 942 days to 2,373 days. The first incremental costs will be incurred in FY 2010-11 at \$31,810 increasing to \$297,530 over 5 years.

The Judicial Department will require a General Fund appropriation of \$960 in fiscal year 2008-09 and annually thereafter to provide funds for additional jury trial expenses.