

MAINE STATE LEGISLATURE

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Date: 04-23-07

(Filing No. S- 53)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
123RD LEGISLATURE
FIRST REGULAR SESSION
Reported by: Minority**

COMMITTEE AMENDMENT "A" to S.P. 65, L.D. 182, Bill, "An Act To Amend the Laws Governing Cases Involving the Plea or Finding of Not Criminally Responsible by Reason of Insanity"

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

'Sec. 1. 15 MRSA §103, first ¶, as amended by PL 2005, c. 263, §1, is further amended to read:

When a court accepts a negotiated plea of not criminally responsible by reason of insanity or when a defendant is found not criminally responsible by reason of insanity by jury verdict or court finding, the judgment must so state. In those cases the court shall order the person committed to the custody of the Commissioner of Health and Human Services to be placed in an appropriate institution for the mentally ill or the mentally retarded for care and treatment. Upon placement in the appropriate institution and in the event of transfer from one institution to another of persons committed under this section, notice of the placement or transfer must be given by the commissioner to the committing court. If the underlying crime for which the defendant pleaded or was found not criminally responsible by reason of insanity was murder, attempted murder or manslaughter, the defendant must be placed in an appropriate institution for the mentally ill or the mentally retarded for care and treatment for at least 2 years.'

SUMMARY

This amendment replaces the bill and is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment requires a commitment to an appropriate institution for the mentally ill or the mentally retarded of at least 2 years for a defendant who pleads or is found not criminally responsible by reason of insanity for a crime of murder, attempted murder or manslaughter.

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 65, L.D. 182

FISCAL NOTE REQUIRED
(See attached)

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COMMITTEE AMENDMENT

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123rd MAINE LEGISLATURE

LD 182

LR 841(02)

An Act To Amend the Laws Governing Cases Involving the Plea or Finding of Not Criminally Responsible by Reason of Insanity

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

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Because the bill as amended would limit the proposed two year minimum commitment to the crimes of murder or manslaughter, and given that the average lengths of stay at the state psychiatric hospitals for such patients are already greater than two years, any additional costs resulting from the bill are expected to be minor and can be absorbed by the department utilizing existing budgeted resources.