

MAINE STATE LEGISLATURE

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Date: 6/8/07

L.D. 1240
(Filing No. H-479)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

COMMITTEE AMENDMENT "A" to H.P. 882, L.D. 1240, Bill, "An Act To Implement the Recommendations of the Criminal Law Advisory Commission"

Amend the bill by striking out all of section 3 and inserting the following:

'Sec. 3. 15 MRSA §103-A is enacted to read:

§103-A. Commitment affected by certain sentences

1. Interruption of commitment. When a person while in the custody of the Commissioner of Health and Human Services pursuant to a commitment order under section 103 is found by a court to be in violation of the person's conditional release for a Maine conviction, if any, and new institutional confinement is ordered, or a person commits a Maine crime for which the person is subsequently convicted and the sentence imposed includes a straight term of imprisonment or a split sentence, the person must be placed in execution of that punishment, and custody pursuant to the commitment order under section 103 must automatically be interrupted thereby. In the event execution of that punishment is stayed pending appeal, the commitment under section 103 continues for the stay's duration. The person must be returned to the custody of the Commissioner of Health and Human Services pursuant to the commitment order under section 103 when the new institutional confinement ordered or the straight term of imprisonment or the unsuspended portion of the split sentence imposed has been fully served.'

Amend the bill by inserting after section 4 the following:

'Sec. 5. 15 MRSA §2115, last ¶, as repealed and replaced by PL 1965, c. 356, §63, is repealed.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

COMMITTEE AMENDMENT

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SUMMARY

This amendment strikes from the bill the language that directs that in the event a person who is found not criminally responsible by reason of insanity or is the recipient of a negotiated insanity plea as to a Maine crime is subject to an undischarged straight term of imprisonment or an unsuspended portion of a split sentence for a different Maine crime, the person must serve the undischarged term of imprisonment or the unsuspended portion of the split sentence before commencing the commitment to the Commissioner of Health and Human Services ordered by the court pursuant to the Maine Revised Statutes, Title 15, section 103. Once having fully served the term of imprisonment or unsuspended portion of a split sentence, the person would have had to commence the commitment ordered notwithstanding being on conditional release.

The amendment also strikes from the bill the language that directs that, while a person is imprisoned in execution of the punishment described in Title 15, section 103-A, the county jail or state facility in which the person is incarcerated must provide the necessary mental health treatment required under law, including, when appropriate, seeking involuntary psychiatric hospitalization.

The amendment repeals the last paragraph of Title 15, section 2115 because its substance, with modification, is best addressed in Title 4, section 51 since it relates to the concurrence required by the Law Court.

FISCAL NOTE REQUIRED
(See attached)



123rd MAINE LEGISLATURE

LD 1240

LR 1480(02)

An Act To Implement the Recommendations of the Criminal Law Advisory Commission

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
County jail savings

Correctional and Judicial Impact Statements

The bill elevates the crime of theft by extortion from a Class C crime to a Class B crime. Based on the present average length of stay for a Class C and Class B sentence, the average length of stay of each sentence is projected to increase by 14 months at an increased cost to the Department of Corrections of \$44,476 for each sentence. It also increases criminal penalties for fraud in home repairs by elevating certain Class D crimes to Class C crimes and Class C crimes to Class B crimes. This will increase the state prisoner population and lengths of stay, resulting in increased costs to the Department of Corrections. It will also shift prisoner population from county jail sentences to the state correctional system. The county jail system is projected to save an estimated \$6,795 for each inmate shifted to the state correctional system.