

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1490

S.P. 517

March 19, 2007

### **An Act To Reduce the Amount of Good Time That May Be Awarded to Certain Offenders**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.  
Cosponsored by Representative SILSBY of Augusta and  
Senator: McCORMICK of Kennebec, Representative: PLUMMER of Windham.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §1253, sub-§9, ¶A,** as enacted by PL 2003, c. 711, Pt. A,  
3 §18, is amended to read:

4 A. For a person who commits a crime, except for a crime set forth in subparagraphs  
5 (1) to ~~(6)~~ (7), on or after August 1, 2004 and is subsequently sentenced to a term of  
6 imprisonment for that crime, up to 4 days per calendar month may be deducted from  
7 that term, calculated from the date of commencement of that term as specified under  
8 subsection 1, if that person's conduct during that month is such that the deduction is  
9 determined to be warranted in the discretion of the chief administrative officer of the  
10 state facility or the sheriff of the county jail. Deductions under this paragraph may  
11 not be applied to the sentence of a person who commits:

- 12 (1) Murder;
- 13 (2) A crime under chapter 11;
- 14 (3) A crime under section 556;
- 15 (4) A crime under section 854, excluding subsection 1, paragraph A,  
16 subparagraph (1);
- 17 (5) A crime under chapter 12; or
- 18 (6) A crime against a family or household member under chapter 9 or 13 or  
19 section 506-B, 554, 555 or 758; or
- 20 (7) A Class A crime.

21 Deductions under this paragraph must be calculated as follows for partial calendar  
22 months:

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24 Days of partial month	Maximum deduction available
25 1 to 7 days	up to 1
26 8 to 15 days	up to 2
27 16 to 23 days	up to 3
28 24 to 31 days	up to 4

29 **Sec. 2. 17-A MRSA §1253, sub-§10, ¶A,** as enacted by PL 2003, c. 711, Pt. A,  
30 §18, is amended to read:

31 A. In addition to the days of deduction provided for in subsection 9, paragraph A,  
32 for any person who commits a crime, except for a crime set forth in subparagraphs  
33 (1) to ~~(6)~~ (7) on or after August 1, 2004 and is subsequently sentenced to a term of  
34 imprisonment for that crime, up to 3 days per calendar month may be deducted from  
35 that term, calculated from the date of commencement of that term as specified under  
36 subsection 1, if that person's fulfillment of responsibilities assigned in the person's  
37 transition plan for work, education or rehabilitation programs during that month is  
38 such that the deduction is determined to be warranted in the discretion of the chief

1 administrative officer of the state facility or the sheriff of the county jail. Deductions  
2 under this paragraph may not be applied to the sentence of a person who commits:

- 3 (1) Murder;
- 4 (2) A crime under chapter 11;
- 5 (3) A crime under section 556;
- 6 (4) A crime under section 854, excluding subsection 1, paragraph A,  
7 subparagraph (1);
- 8 (5) A crime under chapter 12; ~~or~~
- 9 (6) A crime against a family or household member under chapter 9 or 13 or  
10 section 506-B, 554, 555 or 758; or
- 11 (7) A Class A crime.

12 Deductions under this paragraph must be calculated as follows for partial calendar  
13 months:

14	Days of partial month	Maximum deduction available
15		
16	1 to 10 days	up to 1
17	11 to 20 days	up to 2
18	21 to 31 days	up to 3

19 **Sec. 3. 17-A MRSA §1253, sub-§10, ¶B**, as enacted by PL 2003, c. 711, Pt. A,  
20 §18, is amended to read:

21 B. In addition to the days of deduction provided for in paragraph A, for any person  
22 who commits a crime, except for a crime set forth in subparagraphs (1) to ~~(6)~~ (7), on  
23 or after August 1, 2004 and is subsequently sentenced to a term of imprisonment for  
24 that crime to a state facility, up to 2 days per calendar month may also be deducted  
25 from that term, calculated from the date of commencement of that term as specified  
26 under subsection 1, if that person's fulfillment of responsibilities assigned in the  
27 person's transition plan for community work, education or rehabilitation programs  
28 during that month is such that the deduction is determined to be warranted in the  
29 discretion of the chief administrative officer of the state facility. Deductions under  
30 this paragraph may not be applied to the sentence of a person who commits:

- 31 (1) Murder;
- 32 (2) A crime under chapter 11;
- 33 (3) A crime under section 556;
- 34 (4) A crime under section 854, excluding subsection 1, paragraph A,  
35 subparagraph (1);
- 36 (5) A crime under chapter 12; ~~or~~
- 37 (6) A crime against a family or household member under chapter 9 or 13 or  
38 section 506-B, 554, 555 or 758; or

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(7) A Class A crime.

Deductions under this paragraph must be calculated as follows for partial calendar months:

Days of partial month	Maximum deduction available
1 to 15 days	up to 1
16 to 31 days	up to 2

**Sec. 4. 17-A MRSA §1253, sub-§12**, as amended by PL 2005, c. 207, §4, is further amended to read:

**12.** Subsections 9 and 10 supersede subsections 3, 3-B, 4, 5, 6 and 8 for a person who commits a crime other than murder and for a person who commits a Class A crime or a crime other than under chapter 11 or 12; under section 556; under section 854, excluding subsection 1, paragraph A, subparagraph (1); or against a family or household member under chapter 9 or 13, section 506-B, 554, 555 or 758, on or after August 1, 2004.

**Sec. 5. 17-A MRSA §1253, sub-§14** is enacted to read:

14. A person who commits a new offense for which registration is required under Title 34-A, chapter 15 after having been convicted previously and sentenced for an offense for which registration is required under Title 34-A, chapter 15 may not receive a deduction from a sentence of imprisonment under this section.

**SUMMARY**

This bill limits the number of days a person convicted of a Class A crime may have deducted from the person's sentence for good behavior to 5 days a month and prohibits the deduction of any days from a sentence of imprisonment for good behavior for a person who is convicted of more than one offense for which registration under the Sex Offender Registration and Notification Act of 1999 is required.