

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1897

S.P. 691

May 8, 2007

An Act To Allow Blended Sentencing for Certain Juveniles

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. (GOVERNOR'S BILL)
Cosponsored by Representative FLOOD of Winthrop and Senators: GOOLEY of Franklin, HOBBS of York, MARTIN of Aroostook, MILLS of Somerset, NASS of York, NUTTING of Androscoggin, SMITH of Piscataquis, Representatives: RAND of Portland, SAVIELLO of Wilton.

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

2 **Sec. 1. 17-A MRSA §1259** is enacted to read:

3 **§1259. Commitments to the Department of Corrections of bound-over juveniles**
4 **who have not attained 16 years of age at the time of sentence imposition**

5 A juvenile who has been bound over, pursuant to Title 15, section 3101, subsection 4,
6 for a juvenile crime for which the juvenile had the burden of proof with respect to the
7 finding of appropriateness, who is subsequently, as to the juvenile crime's adult
8 counterpart, convicted and sentenced to a sentence alternative involving imprisonment
9 and who has not attained 16 years of age at the time of sentence imposition must be
10 committed to a Department of Corrections juvenile correctional facility for an
11 indeterminate period not to extend beyond the juvenile's 18th birthday to serve the term
12 of imprisonment or any unsuspended portion until discharge from the juvenile
13 correctional facility and once discharged must be transferred to a Department of
14 Corrections adult correctional facility to serve out the remainder of the imprisonment
15 term or unsuspended portion, if any.

16 **Sec. 2. 34-A MRSA §3802, sub-§1, ¶F**, as amended by PL 2005, c. 328, §18, is
17 further amended to read:

18 F. To confine juveniles ordered detained pursuant to Title 15, section 3312,
19 subsection 3, paragraph D; ~~and~~

20 **Sec. 3. 34-A MRSA §3802, sub-§1, ¶G**, as amended by PL 2005, c. 507, §21, is
21 further amended to read:

22 G. To confine juveniles ordered confined pursuant to Title 12, sections 6004, 8004
23 and 10608 and Title 29-A, section 115-; and

24 **Sec. 4. 34-A MRSA §3802, sub-§1, ¶H** is enacted to read:

25 H. To confine juveniles committed to a juvenile correctional facility pursuant to Title
26 17-A, section 1259.

27 **Sec. 5. 34-A MRSA §4102-A, sub-§1, ¶F**, as enacted by PL 2005, c. 328, §22,
28 is amended to read:

29 F. To confine juveniles ordered detained pursuant to Title 15, section 3312,
30 subsection 3, paragraph D; ~~and~~

31 **Sec. 6. 34-A MRSA §4102-A, sub-§1, ¶G**, as amended by PL 2005, c. 507, §25,
32 is further amended to read:

33 G. To confine juveniles ordered confined pursuant to Title 12, sections 6004, 8004
34 and 10608 and Title 29-A, section 115-; and

35 **Sec. 7. 34-A MRSA §4102-A, sub-§1, ¶H** is enacted to read:

1 H. To confine juveniles committed to a juvenile correctional facility pursuant to Title
2 17-A, section 1259.

3 **SUMMARY**

4 This bill requires blended sentencing for a juvenile bound over and convicted as an
5 adult and sentenced to imprisonment if the juvenile has not attained 16 years of age at the
6 time of sentencing and if the offense for which the juvenile was convicted is listed in the
7 Maine Revised Statutes, Title 15, section 3101, subsection 4, paragraph C-2 as one for
8 which the juvenile had the burden of proving bind-over was not appropriate. Blended
9 sentencing affects only the place where imprisonment is served and means that the term
10 of imprisonment, or, in the case of a split sentence, the unsuspended portion, imposed by
11 the court must first be served in a Department of Corrections juvenile facility until the
12 juvenile reaches 18 years of age or is sooner discharged from the facility and any
13 imprisonment time remaining must then be served in a Department of Corrections adult
14 facility.