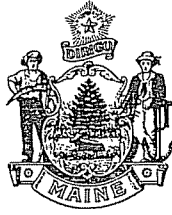


MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 284

H.P. 224

House of Representatives, February 2, 2009

An Act Regarding the Period of Time for Which an Incarcerated Person Is Eligible To Earn Good Time

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SCHATZ of Blue Hill.
Cosponsored by Senator: DAMON of Hancock.

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

2 **Sec. 1. 17-A MRSA §1253, sub-§2, ¶B** is enacted to read:

3 B. For any person who commits a crime on or after October 1, 2009, is subsequently
4 sentenced to a term of imprisonment for that crime and is entitled to receive a day-
5 for-day deduction pursuant to this subsection, up to 4 additional days per calendar
6 month may be credited to that deduction if the person's conduct during that period of
7 detention was such that the credit is determined to be warranted in the discretion of
8 the chief administrative officer of the facility in which the person has previously been
9 detained. Credits under this paragraph must be calculated as follows for partial
10 calendar months:

<u>Days of partial month</u>	<u>Maximum good time credit available</u>
<u>1 to 7 days</u>	<u>up to 1</u>
<u>8 to 15 days</u>	<u>up to 2</u>
<u>16 to 23 days</u>	<u>up to 3</u>
<u>24 to 31 days</u>	<u>up to 4</u>

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17 The sheriff or other person required to furnish a statement showing the length of
18 detention shall also furnish a statement showing the number of days credited pursuant
19 to this paragraph.

20 Detention awaiting trial, during trial, post-trial awaiting sentencing or post-sentencing
21 prior to the date on which a sentence commences to run is not punishment.

22 This paragraph supersedes paragraph A for persons who commit offenses on or after
23 October 1, 2009.

24 **Sec. 2. 17-A MRSA §1253, sub-§6,** as enacted by PL 1983, c. 456, §8, is
25 amended to read:

26 6. Any portion of the time deducted from the sentence of any person pursuant to
27 subsection 3 ~~or~~, 3-B or 11-A may be withdrawn by the supervising officer of the
28 institution for the infraction of any rule of the institution, for any misconduct or for the
29 violation of any law of the State. The withdrawal of deductions may be made at the
30 discretion of the institution head, in accordance with policies and guidelines established
31 by the Department of Corrections, who may restore any portion thereof if the person's
32 later conduct and outstanding effort warrant that restoration.

33 **Sec. 3. 17-A MRSA §1253, sub-§6-A,** as amended by PL 2003, c. 711, Pt. A,
34 §16, is further amended to read:

35 6-A. When a judgment of conviction involving a term of imprisonment is vacated
36 or a sentence involving a term of imprisonment is revised or reviewed and a new sentence
37 involving a term of imprisonment is thereafter imposed upon the person for the same
38 offense, day-for-day credit must be accorded on the new sentence both for each day the
39 person served in execution of the initial sentence and for all previously earned deductions
40 specified in subsections 4, 5, 8, 9 and 10 and Title 30-A, section 1606. Prior to the day-
41 for-day credit being given on the new sentence, the new sentence must, after first having

1 been reduced by any deductions specified in subsection 2 previously or subsequently
2 received, have applied to it the controlling deduction specified in either subsection 3 or
3 3-B or 11-A, if applicable.

4 **Sec. 4. 17-A MRSA §1253, sub-§7**, as amended by PL 2003, c. 711, Pt. A, §17,
5 is further amended to read:

6 7. Notwithstanding the fact that subsections 3, 3-B and 4, 11-A and 11-B directly
7 address only persons who are committed to the custody of the Department of Corrections,
8 they apply also to persons who are committed to the custody of a sheriff. Subsection 5
9 and subsection 10, paragraph B do not apply to persons who are committed to the custody
10 of a sheriff.

11 **Sec. 5. 17-A MRSA §1253, sub-§11-A** is enacted to read:

12 11-A. For a person who commits a crime on or after October 1, 2009 and is
13 subsequently sentenced to a term of imprisonment for that crime, subsections 3 and 3-B
14 apply.

15 **Sec. 6. 17-A MRSA §1253, sub-§11-B** is enacted to read:

16 11-B. For a person who commits a crime on or after October 1, 2009 and is
17 subsequently sentenced to a term of imprisonment for that crime, subsections 4 and 5
18 apply, as limited by subsection 7.

19 **Sec. 7. 17-A MRSA §1253, sub-§13**, as enacted by PL 2003, c. 711, Pt. A, §18,
20 is amended to read:

21 13. If a court imposes a sentencing alternative pursuant to section 1152 that
22 includes a term of imprisonment, in setting the appropriate length of that term, as well as
23 an unsuspended portion of that term, if any, the court may not consider the potential
24 impact of deductions under subsections 2, 3, 3-B, 4, 5, 8, 9 and 10, 11-A and 11-B
25 except in the context of a plea agreement in which both parties are recommending to the
26 court a particular disposition under the Maine Rules of Criminal Procedure, Rule 11-A.

27 **Sec. 8. 17-A MRSA §1253, sub-§14**, as enacted by PL 2007, c. 102, §5, is
28 amended to read:

29 14. The Commissioner of Corrections or the sheriff of the county jail may establish
30 policy and guidelines for crediting hours of participation in work in excess of 8 hours in a
31 day toward another day for the purpose of calculating deductions from a sentence under
32 subsections 4, 5, 8 and 10, 11-A and 11-B.

33 **Sec. 9. 17-A MRSA §1253, sub-§15** is enacted to read:

34 15. Subsections 11-A and 11-B supersede subsections 8, 9 and 10 for persons who
35 commit offenses on or after October 1, 2009.

1

SUMMARY

2 This bill increases the amount of good time that may be deducted from a person's
3 sentence for a crime committed on or after October 1, 2009. The bill applies deductions
4 enacted by Public Law 1983, chapter 456 to persons who commit crimes on or after
5 October 1, 2009. The bill makes no distinction as to the type of crime the person
6 committed. The bill also includes a deduction of good time for a person's good conduct
7 during detention, which was first enacted by Public Law 2003, chapter 711, but the bill
8 doubles the maximum prior amount from 2 days to 4.