

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

124TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 305, L.D. 791, Bill, "An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs"

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

'Sec. 1. 17-A MRS §1119 is enacted to read:

§1119. Furnishing a place for minors to use illegal drugs

1. A person is guilty of furnishing a place for minors to use illegal drugs if:

A. The person knowingly allows a person who is in fact a minor under that person's control or in a place under that person's control to possess or consume illegal drugs. Violation of this paragraph is a Class D crime;

B. The person violates paragraph A and the violation involves a minor who is less than 18 years of age. Violation of this paragraph is a Class D crime for which a fine of not less than \$1,000 may be imposed, none of which may be suspended;

C. The person violates paragraph A and at the time of the offense the person has one or more prior convictions under this section within a 6-year period or for engaging in substantially similar conduct to that contained in this section in another jurisdiction within a 6-year period. Section 9-A governs the use of prior convictions when determining a sentence, except that, for purposes of this paragraph, the date of the prior conviction may not precede the commission of the offense by more than 6 years. Violation of this paragraph is a Class D crime for which a fine of not less than \$2,000 may be imposed, none of which may be suspended; or

D. The person violates paragraph A and the consumption of illegal drugs by the minor in fact causes serious bodily injury to or the death of the minor or any other individual. Violation of this paragraph is a Class C crime.

2. As used in this section, "minor" means a person under 21 years of age.

COMMITTEE AMENDMENT

2008

1 **Sec. 2. Appropriations and allocations.** The following appropriations and
2 allocations are made.

3 **CORRECTIONS, DEPARTMENT OF**

4 **Correctional Impact Reserve N033**

5 Initiative: Provides funds for the projected increase in correctional costs.

| | | | |
|---|---------------------------|----------------|-----------------|
| 6 | GENERAL FUND | 2009-10 | 2010-11 |
| 7 | All Other | \$0 | \$83,197 |
| 8 | | | |
| 9 | GENERAL FUND TOTAL | <u>\$0</u> | <u>\$83,197</u> |

| | | | |
|----|-------------------------------------|----------------|-----------------|
| 10 | CORRECTIONS, DEPARTMENT OF | | |
| 11 | DEPARTMENT TOTALS | 2009-10 | 2010-11 |
| 12 | | | |
| 13 | GENERAL FUND | \$0 | \$83,197 |
| 14 | | | |
| 15 | DEPARTMENT TOTAL - ALL FUNDS | <u>\$0</u> | <u>\$83,197</u> |

16 **INDIGENT LEGAL SERVICES, MAINE COMMISSION ON**

17 **Maine Commission on Indigent Legal Services Z112**

18 Initiative: Provides funds for increased court-appointed counsel costs.

| | | | |
|----|---------------------------|----------------|----------------|
| 19 | GENERAL FUND | 2009-10 | 2010-11 |
| 20 | All Other | \$0 | \$6,600 |
| 21 | | | |
| 22 | GENERAL FUND TOTAL | <u>\$0</u> | <u>\$6,600</u> |

| | | | |
|----|---------------------------------------|----------------|----------------|
| 23 | INDIGENT LEGAL SERVICES, MAINE | | |
| 24 | COMMISSION ON | | |
| 25 | DEPARTMENT TOTALS | 2009-10 | 2010-11 |
| 26 | | | |
| 27 | GENERAL FUND | \$0 | \$6,600 |
| 28 | | | |
| 29 | DEPARTMENT TOTAL - ALL FUNDS | <u>\$0</u> | <u>\$6,600</u> |

30 **JUDICIAL DEPARTMENT**

31 **Courts - Supreme, Superior and District 0063**

32 Initiative: Provides funds for increased trial costs.

COMMITTEE AMENDMENT "B" to S.P. 305, L.D. 791

| | | | |
|----|-------------------------------------|----------------|-----------------|
| 1 | GENERAL FUND | 2009-10 | 2010-11 |
| 2 | All Other | \$0 | \$1,600 |
| 3 | | | |
| 4 | GENERAL FUND TOTAL | <u>\$0</u> | <u>\$1,600</u> |
| 5 | JUDICIAL DEPARTMENT | | |
| 6 | DEPARTMENT TOTALS | 2009-10 | 2010-11 |
| 7 | | | |
| 8 | GENERAL FUND | \$0 | \$1,600 |
| 9 | | | |
| 10 | DEPARTMENT TOTAL - ALL FUNDS | <u>\$0</u> | <u>\$1,600</u> |
| 11 | SECTION TOTALS | 2009-10 | 2010-11 |
| 12 | | | |
| 13 | GENERAL FUND | \$0 | \$91,397 |
| 14 | | | |
| 15 | SECTION TOTAL - ALL FUNDS | <u>\$0</u> | <u>\$91,397</u> |
| 16 | | | |

SUMMARY

This amendment replaces the bill and mirrors the penalties for furnishing a place for a minor to consume alcohol in the Maine Revised Statutes, Title 28-A, section 2081. For purposes of this new crime, a minor is a person under 21 years of age. The amendment is also drafted to comply with Maine Criminal Code drafting standards for prior convictions, including violations for conduct that is substantially similar and committed in another jurisdiction. The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 791

LR 807(04)

An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs

Fiscal Note for Bill as Amended by Committee Amendment "B"
Committee: Criminal Justice and Public Safety
Fiscal Note Required: Yes

Fiscal Note

| | 2009-10 | 2010-11 | Projections 2011-12 | Projections 2012-13 |
|-----------------------------------|---------|----------|------------------------|------------------------|
| Net Cost (Savings) | | | | |
| General Fund | \$0 | \$84,061 | \$72,745 | \$99,264 |
| Appropriations/Allocations | | | | |
| General Fund | \$0 | \$91,397 | \$87,417 | \$113,936 |
| Revenue | | | | |
| General Fund | \$0 | \$7,336 | \$14,672 | \$14,672 |

Correctional and Judicial Impact Statements

Establishes new Class C and D crimes; increases correctional and judicial costs

Fiscal Detail and Notes

| Correctional Cost Detail | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
|-------------------------------------|------------|-----------------|-----------------|-----------------|-----------------|
| Class C Crime | \$0 | \$49,222 | \$37,042 | \$63,561 | \$37,042 |
| Class D Crime | \$0 | \$33,975 | \$33,975 | \$33,975 | \$33,975 |
| Total Cost - All Convictions | \$0 | \$83,197 | \$71,017 | \$97,536 | \$71,017 |

This bill includes a General Fund appropriation of \$83,197 in fiscal year 2010-11 for the estimated additional cost to state and county correctional facilities. This estimate assumes 5 Class D convictions per year, one Class C conviction every other year to be served in a county facility and one Class C conviction every other year to be served in a state facility.

This bill also includes a General Fund appropriation of \$1,600 in fiscal year 2010-11 for the judicial branch to support the anticipated increase in trial costs and \$6,600 in fiscal year 2010-11 for the Maine Commission on Indigent Legal Services for the estimated cost of court-appointed counsel. The increase in judicial branch General Fund fine revenue is estimated to be \$7,336 in fiscal year 2010-11.