

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1583

H.P. 1121

House of Representatives, December 22, 2009

An Act To Improve the Delivery of Community Corrections Services

Submitted by the Department of Corrections pursuant to Joint Rule 204.

Received by the Clerk of the House on December 18, 2009. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HASKELL of Portland.

Cosponsored by Representatives: KNIGHT of Livermore Falls, SCHATZ of Blue Hill,
Senator: DAVIS of Cumberland.

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

2 **Sec. 1. 15 MRSA §3314, sub-§1, ¶E,** as amended by PL 2005, c. 507, §10, is
3 further amended to read:

4 E. The court may require the juvenile to make restitution for any damage to the
5 victim or other authorized claimant as compensation for economic loss upon
6 reasonable conditions that the court determines appropriate. For the purposes of this
7 paragraph, the definitions in Title 17-A, section 1322 and the provisions of Title 17-
8 A, sections 1324, 1326-A, 1326-B, 1326-E, 1328-A and 1329 apply, except that
9 section 1329, subsection 3, paragraph A does not apply.

10 **Sec. 2. 17-A MRSA §1203, sub-§1-A, ¶B,** as amended by PL 2003, c. 711, Pt.
11 B, §17, is further amended to read:

12 B. The court may revoke probation if, during the initial unsuspended portion of the
13 term of imprisonment or during service of a portion of a sentence for which the
14 suspension of execution was vacated upon revocation, a person sentenced as a repeat
15 sexual assault offender, pursuant to section 1252, subsection 4-B, refuses to actively
16 participate in a sex offender treatment program in accordance with the expectations
17 and judgment of the treatment providers, when requested to do so by the Department
18 of Corrections.

19 **Sec. 3. 17-A MRSA §1203, sub-§1-A, ¶B-1** is enacted to read:

20 B-1. Regardless of when the period of probation commences, the court may revoke
21 probation if, during the initial unsuspended portion of the term of imprisonment or
22 during service of a portion of a sentence for which the suspension of execution was
23 vacated upon revocation, a person with a condition of probation to refrain from
24 contact with another person or to refrain from contact with another person unless
25 approved by the probation officer has prohibited contact.

26 **Sec. 4. 17-A MRSA §1231, sub-§7, ¶B,** as enacted by PL 2007, c. 344, §5, is
27 amended to read:

28 B. Criminal conduct committed during the term of imprisonment; or

29 **Sec. 5. 17-A MRSA §1231, sub-§7, ¶C,** as enacted by PL 2007. c. 344, §5, is
30 amended to read:

31 C. Refusal during the term of imprisonment to actively participate, when requested
32 to do so by the Department of Corrections, in a sex offender treatment program in
33 accordance with the expectations and judgment of the treatment providers; or

34 **Sec. 6. 17-A MRSA §1231, sub-§7, ¶D** is enacted to read:

35 D. Prohibited contact during the term of imprisonment with a person with whom the
36 court has ordered as a condition of supervised release that there be no contact or with
37 whom the court has ordered that there be no contact unless approved by the probation
38 officer.

SUMMARY

1

2 This bill provides that restitution orders for juvenile offenders be handled through the
3 Department of Corrections just like the department handles orders for adult offenders.

4

5 This bill also provides that all repeat sexual assault offenders who are incarcerated
6 must participate in a sex offender treatment program when requested by the department
or have their probation revoked.

7

8 This bill also provides probation officers the ability to respond to violations of
9 conditions of probation for probationers or of conditions of supervised release for sex
10 offenders prohibiting contact with another person while the probationer or offender is
incarcerated.