

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 37

H.P. 30

House of Representatives, January 6, 2011

An Act To Amend the Deferred Disposition Law As It Pertains to Sex Offenses

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative HASKELL of Portland.
Cosponsored by Senator GERZOFSKY of Cumberland and
Representatives: BURNS of Whiting, PLUMMER of Windham.

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

2 **Sec. 1. 17-A MRSA §1348**, as amended by PL 2005, c. 527, §21, is repealed and
3 the following enacted in its place:

4 **§1348. Eligibility for deferred disposition**

5 1. Except as provided in subsection 2, a person who has pled guilty to a Class C,
6 Class D or Class E crime and who consents to a deferred disposition in writing is eligible
7 for a deferred disposition.

8 2. Deferred disposition may not be used as a sentencing alternative for a person who
9 has pled guilty to any of the following Class C, Class D or Class E crimes: a crime under
10 chapter 11; a crime under section 556; a crime under section 854, excluding subsection 1,
11 paragraph A, subparagraph (1); a crime under chapter 12; or a crime against a family or
12 household member under chapter 9 or 13 or section 506-B, 554, 555 or 758.

13 **SUMMARY**

14 This bill eliminates the sentencing alternative of deferred disposition for persons who
15 are guilty of committing the following Class C, Class D or Class E crimes: sexual assault;
16 sexual exploitation of minors; incest; certain crimes of indecent conduct; and crimes
17 against family members, including sexual assault, kidnapping and criminal restraint,
18 violating a protective order, endangering the welfare of a child or a dependent person and
19 obstructing the report of a crime or injury.