

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 400

S.P. 113

In Senate, February 8, 2011

### An Act Regarding County Jail Sentences of Less than 24 Hours

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

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator KATZ of Kennebec.

Cosponsored by Senator: RECTOR of Knox, Representative: KESCHL of Belgrade.

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

2 **Sec. 1. 17-A MRSA §1253, sub-§1**, as repealed and replaced by PL 1985, c. 821,  
3 §11, is amended to read:

4 1. The sentence of any person committed to the custody of the Department of  
5 Corrections ~~shall commence~~ commences to run on the date on which that person is  
6 received into the correctional facility designated as the initial place of confinement by the  
7 Commissioner of Corrections pursuant to section 1258 except as otherwise provided in  
8 this subsection. That day is counted as the first full day of the sentence.

9 The sentence of any person committed to the custody of a sheriff ~~shall commence~~, other  
10 than a sentence for less than 24 hours, commences to run on the date on which that person  
11 is received into the county jail specified in the sentence. That day is counted as the first  
12 full day of the sentence if the term of imprisonment, or the initial unsuspended portion of  
13 a split sentence, is over 30 days; otherwise, credit is accorded only for the portion of that  
14 day for which the person is actually in execution of the sentence.

15 The sentence of any person committed to the custody of the sheriff for less than 24 hours  
16 commences to run at the time of day at which the person is received into the county jail  
17 on the date specified in the sentence.

18 **Sec. 2. 17-A MRSA §1253, sub-§2**, as amended by PL 2005, c. 507, §16, is  
19 further amended to read:

20 2. Each person sentenced to imprisonment who has previously been detained for the  
21 conduct for which the sentence is imposed in any state facility or county institution or  
22 facility or in any local lockup awaiting trial, during trial, post-trial awaiting sentencing or  
23 post-sentencing prior to the date on which the sentence commenced to run either to await  
24 transportation to the place of imprisonment specified, or pursuant to court order, and not  
25 in execution of any other sentence of confinement, is entitled to receive a day-for-day  
26 deduction from the total term of imprisonment required under that sentence, except when  
27 a person is sentenced to imprisonment for less than 24 hours, in which case the person is  
28 entitled to receive an hour-for-hour deduction from the total term of imprisonment  
29 required under that sentence. Each person is entitled to receive the same deduction for  
30 any such period of detention in any federal, state or county institution, local lockup or  
31 similar facility in another jurisdiction, including any detention resulting from being a  
32 fugitive from justice, as defined by Title 15, section 201, subsection 4, unless the person  
33 has simultaneously been detained for non-Maine conduct. A person who has been  
34 simultaneously detained for conduct for which the person is sentenced to a consecutive  
35 sentence is not entitled to receive a ~~day-for-day~~ deduction under this subsection from the  
36 consecutive sentence for the period of simultaneous detention except for any period of  
37 detention that is longer than the total term of imprisonment required under the prior  
38 sentence.

39 For the purpose of calculating the day-for-day deduction specified by this subsection, a  
40 "day" means 24 hours.

1 The total term required under the sentence of imprisonment is reduced by the total  
2 deduction of this subsection prior to applying any of the other deductions specified in this  
3 section or in Title 30-A, section 1606.

4 The sheriff or other person upon whom the legal duty is imposed to deliver a sentenced  
5 person who has been detained as specified in this subsection shall, within 30 days of  
6 delivery, furnish to the custodian a statement showing the length of that detention. In  
7 addition, the transporter shall furnish to the attorney for the State the same statement.  
8 The custodian shall use the statement furnished to determine the day-for-day deduction to  
9 which the person is entitled, if any, unless, within 15 days of its receipt, the attorney for  
10 the State furnishes a revised statement to the custodian.

11 A. For any person who commits a crime on or after August 1, 2004, is subsequently  
12 sentenced to a term of imprisonment for that crime and is entitled to receive a day-  
13 for-day deduction pursuant to this subsection, up to 2 additional days per calendar  
14 month may be credited to that deduction if the person's conduct during that period of  
15 detention was such that the credit is determined to be warranted in the discretion of  
16 the chief administrative officer of the facility in which the person has previously been  
17 detained.

18 Credits under this paragraph must be calculated as follows for partial calendar  
19 months:

20	Days of partial month	Maximum credit available
21		
22	1 to 15 days	up to 1
23	16 to 31 days	up to 2

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

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

29 **Sec. 3. 17-A MRSA §1253, sub-§15** is enacted to read:

30 15. The provisions of subsections 3, 3-B, 4, 5, 6, 7, 8, 9 and 10 do not apply to a  
31 sentence of less than 24 hours.

32 **SUMMARY**

33 The bill clarifies that a court may sentence a defendant to serve a term of  
34 imprisonment of less than 24 hours and sets the commencement of that sentence as the  
35 time of day that the defendant is received in the county jail.