

# MAINE STATE LEGISLATURE

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SMC  
ROFS

L.D. 1861

Date: 3/29/12

(Filing No. H-857)

## CRIMINAL JUSTICE AND PUBLIC SAFETY

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### STATE OF MAINE HOUSE OF REPRESENTATIVES 125TH LEGISLATURE SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1378, L.D. 1861, Bill, "An Act To Amend Statutory Post-conviction Review"

Amend the bill in section 7 in §2124 in subsection 3 in paragraph A in the last line (page 4, line 9 in L.D.) by striking out the following: "or"

Amend the bill in section 7 in §2124 in subsection 3 in paragraph D in the last line (page 4, line 30 in L.D.) by striking out the following: "crime." and inserting the following: 'crime; or'

Amend the bill in section 7 in §2124 in subsection 3 by inserting at the end after paragraph D the following:

'E. A criminal judgment in this State pursuant to a plea of guilty or nolo contendere accepted by a trial court on or after March 31, 2010 by a represented defendant who is not a United States citizen and who under federal immigration law, as a consequence of the particular plea, is subject to a pending deportation proceeding.'

Amend the bill in section 11 in §2128-B by striking out all of subsection 3 (page 7, lines 4 to 7 in L.D.) and inserting the following:

'3. Filing deadline for indirect impediment. A one-year period of limitation applies to initiating a petition for post-conviction review seeking relief from a criminal judgment under section 2124, subsection 3, paragraphs A and D. The one-year limitation period runs from the date of imposition of a sentence for the new crime resulting in the indirect impediment. A 60-day period of limitation applies to initiating a petition for post-conviction review seeking relief from a criminal judgment under section 2124, subsection 3, paragraph E. The 60-day limitation period runs from the date the noncitizen becomes aware, or should have become aware, that under federal immigration law, as a consequence of the particular plea, a deportation proceeding has been initiated against the noncitizen.'

Amend the bill by adding after section 14 the following:





Approved: 03/15/12 *MAC*

# 125th MAINE LEGISLATURE

LD 1861

LR 2741(02)

## An Act To Amend Statutory Post-conviction Review

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-857)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - General Fund

#### Fiscal Detail and Notes

The costs associated with additional post conviction reviews can be absorbed by the Judicial Department utilizing existing budgeted resources.