

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 192

H.P. 153

House of Representatives, February 5, 2013

**An Act To Allow Consideration of Fetal Alcohol Spectrum Disorder
at Sentencing in a Criminal Case**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BEAVERS of South Berwick.
Cosponsored by Senator JACKSON of Aroostook and
Representative: SOCTOMAH of the Passamaquoddy Tribe.

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

2 **Sec. 1. 17-A MRSA §1160** is enacted to read:

3 **§1160. Fetal alcohol spectrum disorder as a mitigating factor**

4 When sentencing a person convicted of a crime, a court may take into consideration
5 as a mitigating factor that:

6 1. The person has been diagnosed with a condition known as fetal alcohol spectrum
7 disorder;

8 2. The fetal alcohol spectrum disorder substantially impaired the person's judgment,
9 behavior, capacity to recognize reality or ability to cope with the ordinary demands of
10 life; and

11 3. The fetal alcohol spectrum disorder significantly affected the person's conduct
12 underlying the offense for which the person was convicted.

13 For purposes of this section, "fetal alcohol spectrum disorder" means a condition of
14 impaired brain function constituting a permanent birth defect of a person caused by that
15 person's mother's consumption of alcohol while pregnant with that person.

16 **SUMMARY**

17 This bill allows a court to consider as a mitigating factor in sentencing a person
18 convicted of a crime that the person suffers from the condition of fetal alcohol spectrum
19 disorder. Fetal alcohol spectrum disorder is defined as a condition of impaired brain
20 function constituting a permanent birth defect in a person caused by that person's mother's
21 consumption of alcohol while pregnant with that person.