

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 277

S.P. 110

In Senate, February 7, 2013

An Act To Clarify the Laws Regarding the Calculation of the Period of Imprisonment

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Senators: DUTREMBLE of York, HASKELL of Cumberland,
Representatives: DION of Portland, LONG of Sherman, PLANTE of Berwick, PRIEST of
Brunswick.

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

2 **Sec. 1. 17-A MRSA §1253, sub-§2**, as amended by PL 2011, c. 464, §21, is
3 further amended to read:

4 2. Each person sentenced to imprisonment who has previously been detained for the
5 conduct for which the sentence is imposed in any state facility or county institution or
6 facility or in any local lockup awaiting trial, during trial, post-trial awaiting sentencing or
7 post-sentencing prior to the date on which the sentence commenced to run either to await
8 transportation to the place of imprisonment specified, or pursuant to court order, and not
9 in execution of any other sentence of confinement, is entitled to receive a day-for-day
10 deduction from the total term of imprisonment required under that sentence. For
11 purposes of this subsection, "conduct for which the sentence is imposed" includes all
12 conduct underlying all charges in the case docket number under which the sentence is
13 imposed regardless of whether the charge is part of the ultimate disposition. Each person
14 is entitled to receive the same deduction for any such period of detention in any federal,
15 state or county institution, local lockup or similar facility in another jurisdiction,
16 including any detention resulting from being a fugitive from justice, as defined by Title
17 15, section 201, subsection 4, unless the person has simultaneously been detained for
18 non-Maine conduct. A person who has been simultaneously detained for conduct for
19 which the person is sentenced to a consecutive sentence is not entitled to receive a day-
20 for-day deduction from the consecutive sentence for the period of simultaneous detention
21 except for any period of detention that is longer than the total term of imprisonment
22 required under the prior sentence.

23 For the purpose of calculating the day-for-day deduction specified by this subsection, a
24 "day" means 24 hours, except that for a person who commits a crime on or after October
25 15, 2011, who has previously been detained for the conduct for which the person is
26 sentenced to a term of imprisonment of 96 hours or less, for the purposes of calculating
27 the day-for-day deduction specified in this subsection, any portion of a day detained short
28 of 24 hours will also be deducted from the total term of imprisonment required under that
29 sentence.

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

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

40 A. For any person who commits a crime on or after August 1, 2004, is subsequently
41 sentenced to a term of imprisonment for that crime and is entitled to receive a
42 day-for-day deduction pursuant to this subsection, up to 2 additional days per
43 calendar month may be credited to that deduction if the person's conduct during that

1 period of detention was such that the credit is determined to be warranted in the
2 discretion of the chief administrative officer of the facility in which the person has
3 previously been detained.

4 Credits under this paragraph must be calculated as follows for partial calendar
5 months:

6	Days of partial month	Maximum credit available
7	1 to 15 days	up to 1
8	16 to 31 days	up to 2
9		

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

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

15 **SUMMARY**

16 This bill requires that, for purposes of credit for time served for a criminal defendant,
17 all time served by the defendant for conduct under a particular case docket number is
18 credited regardless of what the defendant may be charged with initially or of what
19 charges the defendant is ultimately convicted.