

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1413

H.P. 960

House of Representatives, May 14, 2015

**An Act To Allow a Victim of a Crime To Be Represented by an
Attorney at a Sentencing Hearing**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HERBIG of Belfast.
Cosponsored by Senator KATZ of Kennebec and
Representatives: Speaker EVES of North Berwick, HOBBS of Saco, MONAGHAN of Cape
Elizabeth, Senators: CUSHING of Penobscot, VOLK of Cumberland.

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

2 **Sec. 1. 17-A MRSA §1174, sub-§1**, as enacted by PL 1995, c. 680, §5, is
3 amended to read:

4 **1.** The victim must be provided the opportunity to participate at sentencing by:

5 A. Making an oral statement in open court; or

6 B. Submitting a written statement to the court either directly or through the attorney
7 for the State. A written statement must be made part of the record.

8 An attorney may represent the victim in the proceedings and submit a written statement
9 or speak on the victim's behalf at sentencing.

10 **Sec. 2. 17-A MRSA §1257, sub-§2**, as repealed and replaced by PL 1995, c. 680,
11 §8, is amended to read:

12 **2.** A victim has the right to participate in the sentencing process pursuant to section
13 1174 and to receive notification of a defendant's release pursuant to section 1175. An
14 attorney may represent a victim at the time of sentence and submit a written statement or
15 speak on the victim's behalf at sentencing.

16 **SUMMARY**

17 Current law provides that a victim may participate in the process of a defendant's
18 sentencing and requires the court to consider any oral or written statement made by the
19 victim to the court. This bill provides that the victim may have an attorney represent the
20 victim and submit a written statement or speak on the victim's behalf during the
21 sentencing process.