

# MAINE STATE LEGISLATURE

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5/19/17  
R000

Date: 4/6/17

Minority

(Filing No. S-19 )

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE**

**SENATE**

**128TH LEGISLATURE**

**FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 40, L.D. 92, Bill, "An Act To Require a Person Who Provides Illegal Drugs To Give Medical Aid to Another Person in Medical Distress Due to That Illegal Drug Transaction"

Amend the bill by striking out the title and substituting the following:

**'An Act To Add an Aggravating Factor in Sentencing for Furnishing Scheduled Drugs and Trafficking in Scheduled Drugs'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'Sec. 1. 17-A MRSA §1252, sub-§10 is enacted to read:**

10. In using a sentencing alternative involving a term of imprisonment for a person convicted of unlawful furnishing of a scheduled drug in which death was in fact caused by the use of the scheduled drug or unlawful trafficking in a scheduled drug in which death was in fact caused by the use of the scheduled drug, a court shall assign special weight to this objective fact in determining the basic term of imprisonment as the first step in the sentencing process.'

**SUMMARY**

This amendment is the minority report of the committee. The amendment replaces the bill and changes the title. The amendment provides that in using a sentencing alternative involving a term of imprisonment for a person convicted of unlawful furnishing of a scheduled drug in which death was in fact caused by the use of the scheduled drug or unlawful trafficking in a scheduled drug in which death was in fact caused by the use of the scheduled drug, a court must assign special weight to this objective fact in determining the basic term of imprisonment as the first step in the sentencing process.

**FISCAL NOTE REQUIRED  
(See attached)**

**COMMITTEE AMENDMENT**



# 128th MAINE LEGISLATURE

LD 92

LR 2(02)

**An Act To Require a Person Who Provides Illegal Drugs To Give Medical Aid to Another Person in Medical Distress Due to That Illegal Drug Transaction**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

(S-19)

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## Fiscal Note

Court shall assign special weight to certain facts

### Fiscal Detail and Notes

This bill requires a court to assign special weight to certain facts during sentencing. Given that judges may already be weighing this information in establishing sentences, it is not possible to predict whether future sentences and related costs will be changed by this bill.