## MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)



8

9

10

11

12 13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

Date: 6/2/2017

Majority

(Filing No. S-19/)

3	JUDICIARY
4	Reproduced and distributed under the direction of the Secretary of the Senate.
5	STATE OF MAINE
6	SENATE
7	128TH LEGISLATURE

COMMITTEE AMENDMENT "A" to S.P. 97, L.D. 309, Bill, "An Act To Restore Judicial Discretion"

FIRST REGULAR SESSION

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

'Resolve, To Establish the Working Group To Restore Judicial Discretion'

Amend the bill by striking out everything after the title and inserting the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Working Group To Restore Judicial Discretion is created to review mandatory minimum sentences and make recommendations to support judicial discretion in sentencing; and

Whereas, the review must be initiated before the 90-day period expires in order that the review may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

- **Sec. 1. Working group established. Resolved:** That the Working Group To Restore Judicial Discretion, referred to in this resolve as "the working group," is established; and be it further
- Sec. 2. Working group membership. Resolved: That the working group consists of 5 members appointed as follows:
- 1. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature; and

- 2. Three members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature; and be it further
- Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the working group; and be it further
- Sec. 4. Appointments; convening of working group. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the working group. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the working group to meet and conduct its business; and be it further
- Sec. 5. Duties. Resolved: That the working group shall review mandatory minimum sentences that are currently required under state law and make recommendations to amend or repeal specific mandatory minimum sentence requirements as appropriate. In reviewing and making recommendations about mandatory minimum sentence requirements, the working group shall seek comments and recommendations from interested parties, including but not limited to prosecutors; criminal defense attorneys; the courts; providers of pretrial services; mental health organizations; providers of services, religious or otherwise, in correctional facilities; law enforcement; administrators of jails and other correctional facilities or programs; the Maine Commission on Indigent Legal Services; and the Criminal Law Advisory Commission; and be it further
- Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the working group; and be it further
- **Sec. 7. Report. Resolved:** That, no later than December 6, 2017, the working group shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 128th Legislature.
- **Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.'

34 SUMMARY

This resolve establishes the Working Group To Restore Judicial Discretion to review and assess mandatory minimum sentences in state law. The working group consists of 2 members of the Senate and 3 members of the House of Representatives and must invite comments and recommendations from interested parties, including but not limited to prosecutors; criminal defense attorneys; the courts; providers of pretrial services; mental health organizations; providers of services, religious or otherwise, in correctional facilities; law enforcement; administrators of jails and other correctional facilities or programs; the Maine Commission on Indigent Legal Services; and the Criminal Law

Vq <sub>e</sub> .	COMMITTEE AMENDMENT "A " to S.P. 97, L.D. 309
1 2 3	Advisory Commission. The working group is required to submit a report to the Second Regular Session of the 128th Legislature that includes recommendations to repeal or amend specific mandatory minimum sentence requirements.
4	FISCAL NOTE REQUIRED
5	(See attached)



## 128th MAINE LEGISLATURE

LD 309

LR 1009(02)

An Act To Restore Judicial Discretion

Fiscal Note for Bill as Amended by Committee Amendment "\" (S-\9)

Committee: Judiciary

Fiscal Note Required: Yes

## **Fiscal Note**

Legislative Cost/Study

## Legislative Cost/Study

The general operating expenses of this study are projected to be \$2,750 in fiscal year 2017-18. The Legislature's proposed budget includes \$10,000 in fiscal year 2017-18 for legislative studies. Whether this amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.