

MAINE STATE LEGISLATURE

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SMC
R. 02 S

Date: 5/9/2017

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

128TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 151, L.D. 449, Bill, "An Act Regarding Imposition of an Automatic Life Sentence in the Case of Domestic Abuse Resulting in Murder"

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

'An Act To Add Domestic Violence against the Victim as an Aggravating Factor in Sentencing for Murder'

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

'Sec. 1. 17-A MRSA §1251, as amended by PL 2005, c. 88, Pt. B, §1, is repealed and the following enacted in its place:

§1251. Imprisonment for murder

1. A person convicted of the crime of murder must be sentenced to imprisonment for life or for any term of years that is not less than 25. The sentence of the court must specify the length of the sentence to be served and must commit the person to the Department of Corrections.

2. In setting the length of imprisonment pursuant to subsection 1, the court shall assign special weight to each of the following 3 factors as they relate to the sentencing procedure in section 1252-C, subsections 1, 2 and 3:

A. That the victim is a child who had not in fact attained 6 years of age at the time the crime was committed;

B. That the victim is a woman whom the convicted person knew or had reasonable cause to believe to be in fact pregnant at the time the crime was committed; and

C. That the victim is a family or household member as defined in Title 19-A, section 4002, subsection 4 who is a victim of domestic violence committed by the convicted person.

COMMITTEE AMENDMENT

1 This subsection may not be construed to restrict a court in setting the length of a term of
2 imprisonment from considering the age of the victim in other circumstances when
3 relevant.'

4 **SUMMARY**

5 This amendment provides a new title and replaces the bill, which was a concept draft.
6 The amendment adds to the circumstances of the crime that the court must consider when
7 setting the sentence for a person convicted of murder that the victim is a family or
8 household member who is a victim of domestic violence committed by the convicted
9 person.

FISCAL NOTE REQUIRED
(See attached)



128th MAINE LEGISLATURE

LD 449

LR 1231(02)

An Act Regarding Imposition of an Automatic Life Sentence in the Case of Domestic Abuse Resulting in Murder

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-79)
Committee: Criminal Justice and Public Safety
Fiscal Note Required: Yes

Fiscal Note

Potential future biennium cost increase - General Fund

Correctional and Judicial Impact Statements

May increase the length of certain sentences for murder; increased correctional costs all coming at end of sentences.