

# MAINE STATE LEGISLATURE

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SMC  
RCS

Date: 5/9/2017

(Filing No. S- 82 )

Minority

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE**

**SENATE**

**128TH LEGISLATURE**

**FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 227, L.D. 665, Bill, "An Act To Give the Courts Sentencing Discretion When a Person with a Developmental Disability Has Been Convicted of a Crime"

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

**'An Act To Give the Courts Sentencing Discretion When a Person with an Intellectual Disability Has Been Convicted of a Crime'**

Amend the bill in section 1 in paragraph 2-E in the first line (page 1, line 3 in L.D.) by inserting after the following: "any" the following: 'other'

Amend the bill in section 1 in paragraph 2-E in the first line (page 1, line 3 in L.D.) by inserting after the following: "contrary," the following: 'and except for a conviction for the crime of murder.'

Amend the bill in section 1 in paragraph 2-E in the 2nd line (page 1, line 4 in L.D.) by striking out the following: "an abnormal condition of the mind as a result of"

Amend the bill by inserting after section 1 the following:

**'Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funds for the Judicial Department for an anticipated increase in the number of mental health exams.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$132,000	\$176,000
<b>GENERAL FUND TOTAL</b>	<u>\$132,000</u>	<u>\$176,000</u>

**COMMITTEE AMENDMENT**

RCS

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**SUMMARY**

This amendment is the minority report of the committee. The amendment changes the title of the bill. The amendment removes from the bill a requirement that the court finds that the individual has an abnormal condition of the mind as a result of an intellectual disability or an autism spectrum disorder and instead requires the court to find that the individual has an intellectual disability or an autism spectrum disorder. The amendment provides that the sentencing discretion that the court has does not apply to a sentence for murder. The amendment adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**



# 128th MAINE LEGISLATURE

LD 665

LR 982(02)

## An Act To Give the Courts Sentencing Discretion When a Person with a Developmental Disability Has Been Convicted of a Crime

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-82)  
 Committee: Criminal Justice and Public Safety  
 Fiscal Note Required: Yes

### Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
<b>Net Cost (Savings)</b>				
General Fund	\$132,000	\$176,000	\$176,000	\$176,000
<b>Appropriations/Allocations</b>				
General Fund	\$132,000	\$176,000	\$176,000	\$176,000

#### Correctional and Judicial Impact Statements

May reduce the length of sentences.  
 Decreases correctional costs

#### Fiscal Detail and Notes

This bill includes General Fund appropriations of \$132,000 in fiscal year 2017-18 and \$176,000 in fiscal year 2018-19 for the Judicial Department to support the cost of an increase in the number of mental health examinations.