

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 635

S.P. 197

In Senate, February 7, 2019

An Act Related to Community Reparations Boards

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARPENTER of Aroostook.

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

2 **Sec. 1. 17-A MRSA §1204-A, sub-§1-A** is enacted to read:

3 1-A. If the court imposes a sentencing alternative that includes a period of deferred
4 disposition, the court may, with the express approval of the prosecuting attorney, require
5 as a condition of the deferred disposition that the person subject to the deferred
6 disposition appear before a community reparations board and abide by any requirement
7 imposed by the board if the court finds no circumstance that makes the appearance
8 inappropriate.

9 **Sec. 2. 17-A MRSA §1204-A, sub-§2, ¶B**, as enacted by PL 1997, c. 421, Pt. B,
10 §2, is amended to read:

11 B. Appear before the board as directed by the probation officer, Department of
12 Corrections employee enforcing a deferred disposition or prosecuting attorney; and

13 **Sec. 3. 17-A MRSA §1204-A, sub-§§4 and 5**, as enacted by PL 1997, c. 421,
14 Pt. B, §2, are amended to read:

15 **4.** No requirement imposed by a community reparations board may extend longer
16 than 6 months, except to pay restitution or as ordered by the court.

17 **5.** Failure to abide by the requirements of this section constitutes a violation of
18 probation or of the deferred disposition.

19 **Sec. 4. 17-A MRSA §1348-A, sub-§1**, as amended by PL 2005, c. 288, §1, is
20 further amended to read:

21 **1.** Following the acceptance of a plea of guilty for a crime for which a person is
22 eligible for a deferred disposition under section 1348, the court may order sentencing
23 deferred to a date certain or determinable and impose requirements upon the person, to be
24 in effect during the period of deferment, considered by the court to be reasonable and
25 appropriate to assist the person to lead a law-abiding life. The court-imposed deferment
26 requirements must include a requirement that the person refrain from criminal conduct
27 and may include a requirement that the person pay to the appropriate county an
28 administrative supervision fee of not more than \$50 per month, as determined by the
29 court, for the term of the deferment. In determining the amount of the fee, the court shall
30 take into account the financial resources of the person and the nature of the burden its
31 payment imposes. The court-imposed deferment requirements may include a requirement
32 that a person appear before a community reparations board pursuant to section 1204-A,
33 subsection 1-A. In exchange for the deferred sentencing, the person shall abide by the
34 court-imposed deferment requirements. Unless the court orders otherwise, the
35 requirements are immediately in effect.

36 **SUMMARY**

37 This bill provides that, if a court imposes a sentencing alternative that includes a
38 period of deferred disposition, the court may, with the express approval of the

1 prosecuting attorney, require as a condition of the deferred disposition that the person
2 subject to the deferred disposition appear before a community reparations board and
3 abide by any requirement imposed by the board if the court finds no circumstance that
4 makes the appearance inappropriate.