

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1346

H.P. 974

House of Representatives, March 21, 2019

An Act To Revise the Good Time Laws To Improve Public Safety

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative TALBOT ROSS of Portland.
Cosponsored by Senator DESCHAMBAULT of York and
Representatives: EVANGELOS of Friendship, MAREAN of Hollis, NEWELL of the
Passamaquoddy Tribe, PLUECKER of Warren, RECKITT of South Portland, WARREN of
Hallowell, Senators: CARPENTER of Aroostook, ROSEN of Hancock.

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

2 **Sec. 1. 17-A MRSA §1253, sub-§6-A**, as amended by PL 2003, c. 711, Pt. A,
3 §16, is further amended to read:

4 **6-A.** When a judgment of conviction involving a term of imprisonment is vacated or
5 a sentence involving a term of imprisonment is revised or reviewed and a new sentence
6 involving a term of imprisonment is thereafter imposed upon the person for the same
7 offense, day-for-day credit must be accorded on the new sentence both for each day the
8 person served in execution of the initial sentence and for all previously earned deductions
9 specified in subsections 4, 5, 8, 9 ~~and~~ 10 and 15 and Title 30-A, section 1606. Prior to
10 the day-for-day credit being given on the new sentence, the new sentence must, after first
11 having been reduced by any deductions specified in subsection 2 previously or
12 subsequently received, have applied to it the controlling deduction specified in either
13 subsection 3 or 3-B, if applicable.

14 **Sec. 2. 17-A MRSA §1253, sub-§13**, as amended by PL 2015, c. 431, §42, is
15 further amended to read:

16 **13.** If a court imposes a sentencing alternative pursuant to section 1152 that includes
17 a term of imprisonment, in setting the appropriate length of that term, as well as an
18 unsuspended portion of that term, if any, the court may not consider the potential impact
19 of deductions under subsections 2, 3, 3-B, 4, 5, 8, 9 ~~and~~ 10 and 15 except in the context
20 of a plea agreement in which both parties are recommending to the court a particular
21 disposition under the Maine Rules of Unified Criminal Procedure, Rule 11-A.

22 **Sec. 3. 17-A MRSA §1253, sub-§14**, as enacted by PL 2007, c. 102, §5, is
23 amended to read:

24 **14.** The Commissioner of Corrections or the sheriff of the county jail may establish
25 policy and guidelines for crediting hours of participation in work in excess of 8 hours in a
26 day toward another day for the purpose of calculating deductions from a sentence under
27 subsections 4, 5, 8 ~~and~~ 10 and 15.

28 **Sec. 4. 17-A MRSA §1253, sub-§15** is enacted to read:

29 **15.** Notwithstanding any other provision of this section to the contrary and in
30 accordance with the provisions of this subsection, beginning January 1, 2020, each person
31 who has been sentenced to a term of imprisonment for a crime on or after October 1,
32 1983 and each person who commits a crime on or after January 1, 2020 and is
33 subsequently sentenced to a term of imprisonment for that crime is entitled to receive a
34 total deduction of up to 12 days per month under this subsection if such deduction is
35 determined to be warranted by the chief administrative officer of the state correctional
36 facility or the sheriff of the county jail in which the person has been detained, except that
37 the total number of days of deduction per month a person is entitled to receive under this
38 section may not exceed 12 days. For the purpose of calculating deductions under this
39 subsection, a month is a calendar month.

1 A. Up to 6 days per month may be deducted if the person's conduct and fulfillment
2 of assigned responsibilities is determined to warrant those deductions.

3 (1) Deductions made under this paragraph must be calculated as follows for
4 partial months.

	<u>Days of partial month</u>	<u>Maximum meritorious good time</u> <u>credit available</u>
5		
6		
7		
8	<u>1 to 10 days</u>	<u>up to 2</u>
9	<u>11 to 20 days</u>	<u>up to 4</u>
10	<u>21 to 31 days</u>	<u>up to 6</u>

11 B. Up to 4 additional days per month may be deducted if the person's participation in
12 educational programming, participation in assigned work, compliance with the
13 person's case plan or fulfillment of other responsibilities within the state correctional
14 facility or county jail is determined to warrant those deductions.

15 (1) Deductions made under this paragraph must be calculated as follows for
16 partial months.

	<u>Days of partial month</u>	<u>Maximum meritorious good time</u> <u>credit available</u>
17		
18		
19		
20	<u>1 to 15 days</u>	<u>up to 2</u>
21	<u>16 to 31 days</u>	<u>up to 4</u>

22 C. Up to 2 additional days per month may be deducted if the person's participation in
23 minimum security or community programs in the person's transition plan for
24 community work, education or rehabilitation programs administered or contracted by
25 the state correctional facility or county jail is determined to warrant those deductions.

26 (1) Deductions made under this paragraph must be calculated as follows for
27 partial months.

	<u>Days of partial month</u>	<u>Maximum meritorious good time</u> <u>credit available</u>
28		
29		
30		
31	<u>1 to 15 days</u>	<u>up to 1</u>
32	<u>16 to 31 days</u>	<u>up to 2</u>

33 D. Any portion of the time deducted from the sentence of any person pursuant to this
34 subsection may be withdrawn by the chief administrative officer of the state
35 correctional facility or the sheriff of the county jail for the infraction of any rule of
36 the state correctional facility or jail, for any misconduct or for the violation of any
37 law of the State. The chief administrative officer of the state correctional facility or
38 the sheriff of the county jail may restore any portion of the deductions that have been
39 withdrawn if the person's later conduct and outstanding effort are such that the

1 restoration is determined to be warranted in the discretion of the chief administrative
2 officer or sheriff.

3 **SUMMARY**

4 Beginning January 1, 2020, this bill provides for up to 12 days of deduction per
5 month from a sentence of imprisonment for any person sentenced for a crime on or after
6 October 1, 1983 and for any person who commits a crime on or after January 1, 2020 and
7 is subsequently sentenced for that crime as follows:

8 1. Up to 6 days per month may be deducted if the person's conduct and fulfillment of
9 assigned responsibilities is determined to warrant those deductions;

10 2. Up to 4 additional days per month may be deducted if the person's participation in
11 educational programming, participation in assigned work, compliance with the person's
12 case plan or fulfillment of other responsibilities is determined to warrant those
13 deductions; and

14 3. Up to 2 additional days per month may be deducted if the person's participation in
15 minimum security or community programs in the person's transition plan for community
16 work, education or rehabilitation programs is determined to warrant those deductions.

17 Awarding of these deductions is determined by the chief administrative officer of the
18 state correctional facility or the sheriff of the county jail in which the person has been
19 detained. The bill caps at 12 days the total days of deduction per month a person may
20 receive under the State's good time laws.