

MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (H-874) (LD 2037 2020)

Date: 9/9/2020

Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1447, L.D. 2037, Bill, “An Act To Amend the Maine Criminal Code”

Amend the bill by striking out all of Part A and inserting the following:

'PART A

Sec. A-1. 17-A MRSA §755, sub-§1-E, as amended by PL 2019, c. 113, Pt. C, §62, is further amended to read:

1-E. A person is guilty of escape from the community confinement monitoring program granted pursuant to Title 30-A, section 1659-A if without official permission the person intentionally:

A. Leaves or fails to return within 12 hours to that person's residence or other designated area in which that person is monitored. Violation of this paragraph is a Class C crime; or

B. Violates paragraph A and at the time of the escape the person uses physical force against another person, threatens to use physical force or is armed with a dangerous weapon. Violation of this paragraph is a Class B crime.

A sentence imposed for a violation of this section is subject to the requirements of section ~~1609~~ 1609-A.

Sec. A-2. 17-A MRSA §1609, as enacted by PL 2019, c. 113, Pt. A, §2, is repealed.

Sec. A-3. 17-A MRSA §1609-A is enacted to read:

§1609-A. Discretionary sentence

Notwithstanding section 1608, when an individual subject to an undischarged term of imprisonment is convicted of a crime committed while in execution of any term of imprisonment, is convicted of a crime committed during a stay of execution of any term

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1 of imprisonment, is convicted of a crime committed after failure to report after a stay of
2 execution of any term of imprisonment or is convicted of failure to report as ordered after
3 a stay of execution of any term of imprisonment, the court may order that the sentence is
4 not concurrent with any undischarged term of imprisonment. If the court orders that the
5 sentence is not concurrent, the court may order that any undischarged term of
6 imprisonment be tolled and service of the nonconcurrent sentence commence
7 immediately, and the court shall so order if any undischarged term of imprisonment is a
8 split sentence. No portion of the nonconcurrent sentence may be suspended. Any
9 nonconcurrent sentence that the convicted individual receives as a result of an order
10 entered pursuant to this section must be nonconcurrent with all other sentences.'

11 Amend the bill in Part C by striking out all of sections 2 to 4 and inserting the
12 following:

13 '**Sec. C-2. 34-A MRSA §11273, sub-§16, ¶C**, as enacted by PL 2011, c. 663,
14 §3, is amended to read:

15 C. Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3) if the crime
16 is committed prior to January 1, 2021;

17 **Sec. C-3. 34-A MRSA §11273, sub-§16, ¶C-1** is enacted to read:

18 C-1. Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3-A) if the
19 crime is committed on or after January 1, 2021;

20 **Sec. C-4. 37-B MRSA §504, sub-§4, ¶H**, as enacted by PL 2015, c. 175, §1, is
21 amended by amending subparagraph (3) to read:

22 (3) Been convicted of a Class A or Class B crime under:

23 (a) Title 17-A, chapter 11;

24 (b) Title 17-A, chapter 12; ~~or~~

25 (c) Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3) if
26 the crime is committed prior to January 1, 2021; or

27 (d) Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3-A) if
28 the crime is committed on or after January 1, 2021;'

29 Amend the bill by inserting after Part D the following:

30 **'PART E**

31 **Sec. E-1. 17-A MRSA §257**, as amended by PL 2007, c. 476, §3, is repealed.

32 **PART F**

33 **Sec. F-1. 25 MRSA §1509-B** is enacted to read:

1 **§1509-B. Annual reporting required**

2 The Maine Information and Analysis Center, a program that is a cooperative effort
3 between the Maine Emergency Management Agency and the State Police, established
4 originally by executive order of Governor John E. Baldacci as the Maine Intelligence and
5 Information Center in 2006, and referred to in this section as "the center," shall report
6 annually in writing by February 1st each year beginning February 1, 2021, to the joint
7 standing committee of the Legislature having jurisdiction over criminal justice and public
8 safety matters regarding the performance of the center. The reports must include a
9 narrative of the types of cases, crimes, incidents and reports the center has reviewed and
10 evaluated in a manner that protects personal privacy and the integrity of the work of the
11 center. The reports must include both privacy audits performed in the prior year and de-
12 identified information regarding the cases, crimes, incidents and reports on which the
13 center worked during the prior year.'

14 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
15 section number to read consecutively.

16 **SUMMARY**

17 This amendment is the majority report of the committee.

18 The amendment amends Part A of the bill to repeal the Maine Revised Statutes, Title
19 17-A, section 1609, which requires a sentence to be nonconcurrent if it is imposed for a
20 crime committed or attempted to be committed while the person is serving a sentence.
21 The amendment enacts Title 17-A, section 1609-A, which grants to the court discretion to
22 impose a sentence that is nonconcurrent if it is imposed for a crime committed or
23 attempted to be committed while the person is serving a sentence or while a stay of
24 execution of a sentence has been imposed.

25 The amendment removes from the bill a proposed amendment to the Sex Offender
26 Registration and Notification Act of 1999 that was included in the bill in error. The
27 amendment separates 2 variants of kidnapping under Title 17-A, section 301, subsection
28 1, paragraph A, subparagraph (3). The amendment clarifies that the amendments to the
29 Sex Offender Registration and Notification Act of 2013 apply to a crime committed prior
30 to January 1, 2021, if the offense is knowingly restraining another person with the intent
31 to inflict bodily injury, and apply to a crime committed on or after January 1, 2021, if the
32 crime is conduct defined as criminal in Title 17-A, chapter 11.

33 The amendment repeals a section of law in Title 17-A, chapter 11 on factors aiding in
34 predicting high-risk sex offenders for sentencing purposes, leaving individual risk
35 assessment at sentencing to the judgment of the court.

36 This amendment adds Part F to the bill, requiring annual written reports from the
37 Maine Information and Analysis Center by February 1st each year beginning February 1,
38 2021, to the joint standing committee of the Legislature having jurisdiction over criminal
39 justice and public safety matters regarding the performance of the center. The reports
40 must include a narrative of the types of cases, crimes, incidents and reports the center has
41 reviewed and evaluated in a manner that protects personal privacy and the integrity of the
42 work of the center. The reports must include both privacy audits performed in the prior

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1 year and de-identified information regarding the cases, crimes, incidents and reports on
2 which the center worked during the prior year.



129th MAINE LEGISLATURE

LD 2037

LR 3142(02)

An Act To Amend the Maine Criminal Code

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Public Safety to create an annual report can be absorbed within existing budget resources.