

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 788

H.P. 593

House of Representatives, March 5, 2021

**An Act To Align the Preconviction and Post-conviction
Discretionary Deductions for Time Served**

Reference to the Committee on Judiciary suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative EVANGELOS of Friendship.

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

2 **Sec. 1. 12 MRSA §6004, last ¶**, as amended by PL 2019, c. 113, Pt. C, §9, is further
3 amended to read:

4 Any period of confinement must be served concurrently with any other period of
5 confinement previously imposed and not fully discharged or imposed on the same date.
6 Any period of confinement is subject to Title 17-A, section 2305, except that a statement
7 is not required to be furnished and the day-for-day deduction must be determined by the
8 facility, but is not subject to Title 17-A, section 2305, subsection 4 or 4-A; section 2307,
9 subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section
10 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or
11 in part, the court shall impose a period of administrative release not to exceed one year.
12 The administrative release must be administered pursuant to Title 17-A, chapter 67,
13 subchapter 2, and revocation of the administrative release is governed by the provisions of
14 that subchapter.

15 **Sec. 2. 12 MRSA §8004, last ¶**, as amended by PL 2019, c. 113, Pt. C, §16, is
16 further amended to read:

17 Any period of confinement must be served concurrently with any other period of
18 confinement previously imposed and not fully discharged or imposed on the same date.
19 Any period of confinement is subject to Title 17-A, section 2305, except that a statement
20 is not required to be furnished and the day-for-day deduction must be determined by the
21 facility, but is not subject to Title 17-A, section 2305, subsection 4 or 4-A; section 2307,
22 subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section
23 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or
24 in part, the court shall impose a period of administrative release not to exceed one year.
25 The administrative release must be administered pursuant to Title 17-A, chapter 67,
26 subchapter 2, and revocation of the administrative release is governed by the provisions of
27 that subchapter.

28 **Sec. 3. 12 MRSA §10608, last ¶**, as amended by PL 2019, c. 113, Pt. C, §19, is
29 further amended to read:

30 Any period of confinement must be served concurrently with any other period of
31 confinement previously imposed and not fully discharged or imposed on the same date.
32 Any period of confinement is subject to Title 17-A, section 2305, except that a statement
33 is not required to be furnished and the day-for-day deduction must be determined by the
34 facility, but is not subject to Title 17-A, section 2305, subsection 4 or 4-A; section 2307,
35 subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section
36 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or
37 in part, the court shall impose a period of administrative release not to exceed one year.
38 The administrative release must be administered pursuant to Title 17-A, chapter 67,
39 subchapter 2, and revocation of the administrative release is governed by the provisions of
40 that subchapter.

41 **Sec. 4. 15 MRSA §3314, sub-§1, ¶H**, as amended by PL 2019, c. 113, Pt. C, §48,
42 is further amended to read:

43 H. The court may order the juvenile to serve a period of confinement that may not
44 exceed 30 days, with or without an underlying suspended disposition of commitment

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to a Department of Corrections juvenile correctional facility, which confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date but may be served intermittently as the court may order and must be ordered served in a facility approved or operated by the Department of Corrections exclusively for juveniles. The court may order such a disposition to be served as a part of and with a period of probation that is subject to such provisions of Title 17-A, section 1807 as the court may order and that must be administered pursuant to Title 34-A, chapter 5, subchapter 4. Revocation of probation is governed by the procedure contained in subsection 2. Any disposition under this paragraph is subject to Title 17-A, section 2305 except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section 2305, subsection 4 or 4-A; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. For purposes of calculating the commencement of the period of confinement, credit is accorded only for the portion of the first day for which the juvenile is actually confined; the juvenile may not be released until the juvenile has served the full term of hours or days imposed by the court. When a juvenile is committed for a period of confinement, the court shall determine whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home or that reasonable efforts are not necessary because of the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B and whether continuation in the juvenile's home would be contrary to the welfare of the juvenile. This determination does not affect whether the court orders a period of confinement.

Sec. 5. 17-A MRSA §2305, sub-§4-A is enacted to read:

4-A. Additional deduction when warranted for crime committed on or after August 1, 2020. An individual may receive a deduction of up to 4 days per calendar month in addition to the day-for-day deduction provided pursuant to subsection 1 if:

A. The individual commits a crime on or after August 1, 2020 and is sentenced to a term of imprisonment for that crime; and

B. The individual is entitled to a day-for-day deduction pursuant to subsection 1 and the individual's conduct during that period of detention is such that the additional deduction is determined to be warranted in the discretion of the chief administrative officer of the facility in which the individual has been detained.

Deductions under this subsection must be calculated as follows for partial calendar months:

<u>Days of partial month</u>	<u>Maximum deduction available</u>
<u>1 to 7 days</u>	<u>up to 1</u>
<u>8 to 15 days</u>	<u>up to 2</u>
<u>16 to 23 days</u>	<u>up to 3</u>
<u>24 to 31 days</u>	<u>up to 4</u>

Sec. 6. 17-A MRSA §2305, sub-§6, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

