

# MAINE STATE LEGISLATURE

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L.D. 801

Date: 6/9/21

(Filing No. S-242)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
SENATE  
130TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 109, L.D. 801, "An Act Regarding Sentencing Options for a Person Convicted of a Crime Committed While Serving a Term of Imprisonment"

Amend the bill by inserting before section 1 the following:

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

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

Amend the bill by inserting after section 1 the following:

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

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

**COMMITTEE AMENDMENT**

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**SUMMARY**

This amendment adds to the bill a new section that provides that 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 of imprisonment, is convicted of a crime committed after failure to report after a stay of execution of any term of imprisonment or is convicted of failure to report as ordered after a stay of execution of any term of imprisonment, the court may order that the sentence is not concurrent with any undischarged term of imprisonment. If the court orders that the sentence is not concurrent, the court may order that any undischarged term of imprisonment be tolled and service of the nonconcurrent sentence commence immediately, and the amendment requires the court to so order if any undischarged term of imprisonment is a split sentence. No portion of the nonconcurrent sentence may be suspended. Any nonconcurrent sentence that the convicted individual receives as a result of an order entered pursuant to this provision must be nonconcurrent with all other sentences.

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 130th MAINE LEGISLATURE

LD 801

LR 243(02)

## An Act Regarding Sentencing Options for a Person Convicted of a Crime Committed While Serving a Term of Imprisonment

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-242)  
Committee: Criminal Justice and Public Safety  
Fiscal Note Required: Yes

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### Fiscal Note

Potential future biennium savings - General Fund

#### Fiscal Detail and Notes

Current law requires a nonconcurrent sentence when a person is convicted of a crime committed while the person is serving their sentence on another conviction. The bill would allow an individual to serve a sentence concurrently under certain circumstances, reducing the amount of time individuals will be incarcerated and decreasing correctional costs. The amount of savings realized as a result of this bill will depend on how many individuals are sentenced to concurrent sentences. The current average cost of incarcerating an individual for one day in a correctional facility is \$151.24, totaling \$55,203 per year.