

# MAINE STATE LEGISLATURE

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L.D. 1270

Date: 6-16-21

(Filing No. 61-724)

MAJORITY  
JUDICIARY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 930, L.D. 1270, "An Act To Establish Resentencing Units in the Attorney General's Office and All Maine Prosecutorial Districts"

Amend the bill by striking out the title and substituting the following:

'An Act To Establish a Resentencing Unit in the Office of the Attorney General'

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 5 MRSA §200-M is enacted to read:

§200-M. Resentencing unit

1. Resentencing unit. The Attorney General shall maintain a resentencing unit that timely reviews the sentences of imprisonment of criminal cases prosecuted by the Office of the Attorney General or a district attorney's office that have not yet commenced or are ongoing to determine whether to reduce or terminate a sentence in the interests of fairness or justice.

2. Review. The resentencing unit established under subsection 1 shall review for reduction or termination the following sentences:

A. A sentence in which the person's current sentence is no longer necessary to ensure public safety or the interests of fairness or justice given the nature of the crime committed and the specific facts of the crime, with priority given to a person currently incarcerated who is either over 50 years of age or was sentenced for a crime committed as a minor;

B. A sentence for a person who committed an offense under Title 17-A, section 202 in which the person did not commit the killing or have an intent to kill;

C. A sentence of at least 5 years for a person who is eligible for release within the next 12 months;

D. A sentence of a person who is suffering from a terminal or debilitating illness;

E. A sentence in which an illegality or irregularity may have been committed or may exist; and

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F. A sentence that the resentencing unit determines should be reviewed in the interests of fairness or justice.

3 **3. Recommendation; appeal.** The resentencing unit established under subsection 1  
4 shall make in a timely manner a recommendation to the Attorney General whether to reduce  
5 or terminate a sentence reviewed. The Attorney General may reject, accept or modify a  
6 recommendation and file a petition under Title 15, chapter 305-A of a sentence that the  
7 Attorney General determines requires reduction or termination.'

8 Amend the bill in section 3 in §2125 in the first indented paragraph in the 3rd line (page  
9 2, line 19 in L.D.) by striking out the following: "section 1861" and inserting the following:  
10 "Title 5, section 200-M'

11 Amend the bill in section 4 in §2126 in the first indented paragraph in the first line  
12 (page 2, line 26 in L.D.) by striking out the following: "section 1861" and inserting the  
13 following: "Title 5, section 200-M'

14 Amend the bill in section 5 in the first indented paragraph in the first line (page 2, line  
15 36 in L.D.) by striking out the following: "section 1861" and inserting the following: "Title  
16 5, section 200-M'

17 Amend the bill in section 6 in subsection 4 in the 2nd line (page 2, line 41 in L.D.) by  
18 striking out the following: "section 1861" and inserting the following: "Title 5, section  
19 200-M'

20 Amend the bill in section 7 in subsection 1 in paragraph B in the first line (page 3, line  
21 6 in L.D.) by striking out the following: "section 1861" and inserting the following: "Title  
22 5, section 200-M'

23 Amend the bill in section 7 in subsection 1 in paragraph C in the 4th line (page 3, line  
24 17 in L.D.) by striking out the following: "section 1861" and inserting the following: "Title  
25 5, section 200-M'

26 Amend the bill by inserting after section 7 the following:

27 **'Sec. 8. Appropriations and allocations.** The following appropriations and  
28 allocations are made.

29 **ATTORNEY GENERAL, DEPARTMENT OF THE**

30 **Administration - Attorney General 0310**

31 Initiative: Provides funding for 3 Assistant Attorney General positions and one Paralegal  
32 position to staff the resentencing unit as well as related All Other costs.

33 <b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
34 Personal Services	\$481,598	\$504,955
35 All Other	\$21,859	\$21,859
36		
37 GENERAL FUND TOTAL	<u>\$503,457</u>	<u>\$526,814</u>

38  
39 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
40 number to read consecutively.

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**SUMMARY**

2           The bill directs the creation of resentencing units in the Office of the Attorney General  
3 as well as in each district attorney's office. This amendment instead directs the  
4 establishment of just one resentencing unit in the Office of the Attorney General to review  
5 and make recommendations to the Attorney General about cases prosecuted by district  
6 attorneys' offices as well as the Office of the Attorney General. Because the resentencing  
7 unit will be located within the Office of the Attorney General, this amendment reallocates  
8 the statutory language to the statutes governing the Attorney General and corrects cross-  
9 references. The amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

(See attached)



Approved: 06/15/21 *MCC*

# 130th MAINE LEGISLATURE

LD 1270

LR 1380(02)

## An Act To Establish Resentencing Units in the Attorney General's Office and All Maine Prosecutorial Districts

Fiscal Note for Bill as Amended by Committee Amendment *A(H-724)*  
Committee: Judiciary  
Fiscal Note Required: Yes

### Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
<b>Net Cost (Savings)</b>				
General Fund	\$503,457	\$526,814	\$542,973	\$559,648
<b>Appropriations/Allocations</b>				
General Fund	\$503,457	\$526,814	\$542,973	\$559,648

#### Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

#### Fiscal Detail and Notes

The bill establishes a resentencing unit within the Office of the Attorney General (OAG). The bill includes General Fund appropriations to the OAG of \$503,457 in fiscal year 2021-22 and \$526,814 in fiscal year 2022-23 for 3 Assistant Attorney General positions and one Paralegal position to review the sentences of imprisonment of criminal cases prosecuted by the OAG or District Attorney's Office.

Reducing terms of imprisonment for individuals serving sentences in state correctional facility will reduce correctional costs. No estimate of the potential savings is available at this time and will depend on the number of sentences reduced. The current average cost of incarcerating an individual for a single year is \$55,203.