

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1303

H.P. 959

House of Representatives, March 30, 2021

An Act To Ensure Judicial Discretion in Sentencing

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative WARREN of Hallowell.
Cosponsored by Senator BAILEY of York and
Representatives: EVANGELOS of Friendship, HARNETT of Gardiner, LOOKNER of
Portland, MORALES of South Portland, O'NEIL of Saco, PLUECKER of Warren, TALBOT
ROSS of Portland, WILLIAMS of Bar Harbor.

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

2 **Sec. 1. 17-A MRSA §1613** is enacted to read:

3 **§1613. Judicial discretion**

4 **1. Term of imprisonment under this Title.** Beginning January 1, 2022,
5 notwithstanding any provision of law to the contrary, the court shall exercise judicial
6 discretion in imposing a sentencing alternative that includes a term of imprisonment under
7 this Title. Beginning January 1, 2022, any provision of this Title that requires the court to
8 impose a mandatory term of imprisonment is deemed to require the court to exercise
9 judicial discretion and to determine and impose a sentence of imprisonment that may be
10 less than but may not exceed the length that is stated as mandatory.

11 **2. Term of imprisonment under other Titles.** Beginning January 1, 2022,
12 notwithstanding any provision of law to the contrary, the court shall exercise judicial
13 discretion in imposing a sentence of a term of imprisonment under any provision of any
14 statute. Beginning January 1, 2022, any provision of any statute that requires the court to
15 impose a mandatory term of imprisonment is deemed to require the court to exercise
16 judicial discretion and to determine and impose a sentence of imprisonment that may be
17 less than but may not exceed the length that is stated as mandatory.

18 **Sec. 2. Revisor report and legislation.** The Revisor of Statutes shall review the
19 Maine Revised Statutes and compile all provisions that require the court in sentencing a
20 person for a violation of law to impose a mandatory term of imprisonment. The Revisor
21 of Statutes shall submit a report by January 15, 2022 to the Joint Standing Committee on
22 Criminal Justice and Public Safety listing all provisions of all Titles that require the court
23 to impose a mandatory term of imprisonment and providing amending language to change
24 the mandatory term of imprisonment into a maximum term of imprisonment as determined
25 in the discretion of the court. After receiving and reviewing the report of the Revisor of
26 Statutes, the Joint Standing Committee on Criminal Justice and Public Safety may
27 introduce legislation to the Second Regular Session of the 130th Legislature.

28 **SUMMARY**

29 This bill provides for the exercise of judicial discretion beginning January 1, 2022 to
30 change all mandatory terms of imprisonment for persons sentenced beginning on that date
31 to maximum terms of imprisonment. The bill applies to all Titles of the Maine Revised
32 Statutes. The bill directs the Revisor of Statutes to review the Maine Revised Statutes and
33 compile all provisions that require the court in sentencing a person for a violation of law to
34 impose a mandatory term of imprisonment. The Revisor of Statutes is required to submit
35 a report by January 15, 2022 to the Joint Standing Committee on Criminal Justice and
36 Public Safety listing all provisions of all Titles that require the court to impose a mandatory
37 term of imprisonment and providing amending language to change the mandatory term of
38 imprisonment into a maximum term of imprisonment as determined in the discretion of the
39 court. After receiving and reviewing the report of the Revisor of Statutes, the Joint
40 Standing Committee on Criminal Justice and Public Safety may introduce legislation to the
41 130th Legislature.