

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1359

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H.P. 873

House of Representatives, March 28, 2023

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### **An Act to Provide an Opportunity for Resentencing for Individuals Who Were Sentenced for Crimes Committed as Juveniles**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative WARREN of Scarborough.  
Cosponsored by Representatives: BOYER of Poland, MILLIKEN of Blue Hill, PLUECKER of Warren, RANA of Bangor, SKOLD of Portland.

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

2 **Sec. 1. 15 MRSA §3207** is enacted to read:

3 **§3207. Juveniles convicted as adults**

4 Notwithstanding any provision of law to the contrary, the provisions of this section  
5 apply to a juvenile convicted as an adult.

6 **1. Sentencing conditions.** When sentencing a juvenile convicted as an adult, a court:

7 A. May impose a sentence less than the minimum sentence required; and

8 B. May not impose a sentence of imprisonment for life without the possibility of parole  
9 or early release.

10 **2. Motions for reduction of sentence.** A convicted minor may file a motion with the  
11 court pursuant to this subsection to reduce the duration of the sentence imposed for an  
12 offense committed by that convicted minor.

13 A. As used in this subsection, unless the context otherwise indicates, the following  
14 terms have the following meanings.

15 (1) "Convicted minor" means an individual who:

16 (a) Was sentenced as an adult for an offense that was committed while the  
17 individual was a juvenile;

18 (b) Was sentenced for the offense prior to October 1, 2023; and

19 (c) Has been imprisoned for at least 20 years for the offense.

20 (2) "Motion" means a motion filed by a convicted minor to reduce the duration of  
21 a sentence imposed for an offense committed by that convicted minor while a  
22 juvenile.

23 (3) "Offense" means the crime that the convicted minor committed for which the  
24 convicted minor was sentenced as an adult.

25 B. The court shall conduct a hearing on a motion filed pursuant to this subsection in  
26 accordance with this paragraph.

27 (1) The convicted minor has the right to be present at the hearing unless the  
28 convicted minor waives the right to be present. The requirements of this  
29 subparagraph may be satisfied by attendance by video conference.

30 (2) The convicted minor may introduce evidence in support of the motion at the  
31 hearing.

32 (3) The State may introduce evidence in support or opposition of the motion at the  
33 hearing.

34 C. After a hearing conducted pursuant to paragraph B, the court may reduce the  
35 duration of the sentence of a convicted minor in accordance with this paragraph.

36 (1) The court may reduce the duration of the sentence of a convicted minor only if  
37 the court determines that:

38 (a) The convicted minor is not a danger to the public; and

- 1                    (b) The interests of justice will be better served by a reduced sentence.
- 2                    (2) In making the determination pursuant to subparagraph (1), the court shall  
3                    consider the following factors:
- 4                    (a) The convicted minor's age at the time of the offense;
- 5                    (b) The nature of the offense and the history and character of the convicted  
6                    minor;
- 7                    (c) Whether the convicted minor has substantially complied with the rules of  
8                    the institution in which the convicted minor has been confined;
- 9                    (d) Whether the convicted minor has completed an educational, vocational or  
10                   other program;
- 11                   (e) Whether the convicted minor has demonstrated maturity, rehabilitation and  
12                   fitness to reenter society sufficient to justify a reduced sentence;
- 13                   (f) Any statement offered by a victim of the offense, or the victim's  
14                   representative;
- 15                   (g) Any report of a physical, mental or behavioral examination of the convicted  
16                   minor conducted by a health professional;
- 17                   (h) The convicted minor's family and community circumstances at the time of  
18                   the offense, including any history of trauma, abuse or involvement in the child  
19                   welfare system;
- 20                   (i) The extent of the convicted minor's role in the offense and whether and to  
21                   what extent an adult was involved in the offense;
- 22                   (j) The diminished culpability of a juvenile as compared to an adult, including  
23                   an inability to fully appreciate risks and consequences; and
- 24                   (k) Any other factor the court considers relevant.

25                   The court shall issue in writing its decision to grant or deny the motion, including  
26                   addressing the factors listed in subparagraph (2).

27                   D. Further motions for a reduced sentence are limited by this paragraph.

- 28                   (1) If the court grants in part the motion or denies the motion, the convicted minor  
29                   may not file a 2nd motion pursuant to this subsection for at least 3 years.
- 30                   (2) If the court grants in part the motion or denies a 2nd motion filed pursuant to  
31                   this subsection, the convicted minor may not file a 3rd motion pursuant to this  
32                   subsection for at least 3 years.
- 33                   (3) A convicted minor may not file a 4th motion pursuant to this subsection.

34                   **Sec. 2. Effective date.** This Act takes effect October 1, 2023.

35                   **SUMMARY**

36                   This bill, based on Maryland's Juvenile Restoration Act, provides for modifications in  
37                   the sentencing of juveniles convicted as adults, including:

- 38                   1. Allowing the court to impose a sentence that is less than the minimum term required  
39                   by law;

- 1           2. Prohibiting the sentence of life without the possibility of early release; and
- 2           3. For juveniles convicted as adults who were sentenced prior to October 1, 2023 and
- 3 who have been imprisoned for at least 20 years, providing an opportunity to request a
- 4 sentence reduction, even if the original motion for modification of sentence was denied.