

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1535

H.P. 990

House of Representatives, April 5, 2023

**An Act to Advance Justice in Sentencing by Amending the Laws
Governing the Maine Criminal Justice Sentencing Institute and
Increasing Funding for Meetings of the Institute**

Reference to the Committee on Judiciary suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative HASENFUS of Readfield.
Cosponsored by Senator HICKMAN of Kennebec.

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

2 **Sec. 1. 4 MRSA §454**, as amended by PL 2013, c. 159, §9, is repealed and the
3 following enacted in its place:

4 **§454. Maine Criminal Justice Sentencing Institute**

5 **1. Institute established; purpose.** There is established the Maine Criminal Justice
6 Sentencing Institute, referred to in this section as "the institute," under the administrative
7 supervision of the State Court Administrator. The purpose of the institute is to provide a
8 continuing forum for the regular discussion of the most appropriate methods of sentencing
9 convicted offenders and adjudicated juveniles.

10 **2. Membership.** All Supreme Judicial Court, Superior Court and District Court
11 Justices and Judges, all District Attorneys and all attorneys within the Criminal Division of
12 the Office of the Attorney General are considered members of the institute. In addition,
13 the Chief Justice of the Supreme Judicial Court shall invite, at a minimum, as members of
14 the institute, law enforcement and correctional personnel, representatives of advisory and
15 advocacy groups, including persons with expertise in sentencing reform and restorative
16 justice and with experience in substance use disorder counseling, and representatives of the
17 defense bar.

18 **3. Meetings; notice; public participation.** When sufficient funding is allocated by
19 the Legislature, but no less often than once every 2 years, the institute shall meet, at the call
20 of the Chief Justice of the Supreme Judicial Court, for a 2-day period to discuss
21 recommendations for changes in the sentencing authority and policies of the State's
22 criminal and juvenile courts, in response to law enforcement problems and the available
23 alternatives for criminal and juvenile rehabilitation within the State's correctional system.
24 The Chief Justice shall post on the publicly accessible website of the judicial branch notice
25 of the meeting, including the date, time and place of the meeting and the agenda, no later
26 than 2 weeks prior to the meeting. The meeting must be open to the public, and the Chief
27 Justice shall allow participation and input by the public.

28 **4. Compensation.** Members of the institute are not entitled to receive compensation
29 for their services but are allowed, out of any appropriation or other fund made available for
30 the purpose, reimbursement for expenses for clerical and other services, travel and
31 incidentals as the Chief Justice of the Supreme Judicial Court may authorize.

32 **5. Biennial report.** Beginning January 15, 2024 and every 2 years thereafter, the
33 Chief Justice of the Supreme Judicial Court shall submit a report to the joint standing
34 committees of the Legislature having jurisdiction over judiciary matters and over criminal
35 justice and public safety matters detailing, at a minimum, the membership of the institute,
36 the matters discussed at the most recent meeting of the institute and any recommendations
37 of the institute regarding matters considered by the institute. The joint standing committees
38 may report out legislation based on the report.

39 **Sec. 2. Appropriations and allocations.** The following appropriations and
40 allocations are made.

41 **JUDICIAL DEPARTMENT**

42 **Courts - Supreme, Superior and District 0063**

1 Initiative: Provides ongoing funding for the Maine Criminal Justice Sentencing Institute to
2 meet biennially.

| | | |
|-----------------------|-----------------|-----------------|
| 3 GENERAL FUND | 2023-24 | 2024-25 |
| 4 All Other | \$25,000 | \$25,000 |
| 5 | | |
| 6 GENERAL FUND TOTAL | <u>\$25,000</u> | <u>\$25,000</u> |

7 **SUMMARY**

8 This bill implements the recommendations of the Commission to Examine
9 Reestablishing Parole regarding the Maine Criminal Justice Sentencing Institute by:

10 1. Modifying the membership to require that the Chief Justice of the Supreme Judicial
11 Court invite, as members, representatives of advisory and advocacy groups, including
12 persons with expertise in sentencing reform and restorative justice and experience in
13 substance use disorder counseling;

14 2. Requiring that the institute meet at least once every 2 years;

15 3. Requiring that a meeting of the institute be advertised on the publicly accessible
16 website of the judicial branch at least 2 weeks prior to the meeting. The notice must include
17 the time, date and place of the meeting as well as the agenda;

18 4. Requiring that the meeting be open to the public, with public participation and input
19 allowed;

20 5. Requiring the Chief Justice to submit a report to the joint standing committees of
21 the Legislature having jurisdiction over judiciary matters and over criminal justice and
22 public safety matters detailing, at a minimum, the membership of the institute, the matters
23 discussed at the most recent meeting of the institute and any recommendations of the
24 institute regarding matters considered by the institute. The joint standing committees are
25 authorized to report out legislation based on the report; and

26 6. Making technical changes to the statute for readability and clarity.

27 This bill also provides for ongoing funding for the institute to allow it to meet
28 biennially.