

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1903

H.P. 1218

House of Representatives, May 9, 2023

**Resolve, to Create an Advisory Council to Oversee the Review and
Revision of the Maine Criminal Code and Other Statutes
Establishing Criminal Offenses**

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

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

ROBERT B. HUNT
Clerk

Presented by Speaker TALBOT ROSS of Portland.
Cosponsored by Senator BRAKEY of Androscoggin and
Representatives: ANDREWS of Paris, FAULKINGHAM of Winter Harbor, KUHN of
Falmouth, MOONEN of Portland, Senator: BENNETT of Oxford.

1 **Sec. 1. Advisory council to review and revise Maine Criminal Code and**
2 **other criminal provisions. Resolved:** That an advisory council is created to oversee a
3 review and revision of the Maine Criminal Code and other statutes establishing Class A to
4 Class E crimes in the Maine Revised Statutes. The advisory council shall select and enter
5 into a contract with an outside consultant under section 2 to conduct the review. The
6 advisory council shall review the report of the outside consultant and make
7 recommendations to the Legislature. The advisory council consists of the following 7
8 members:

- 9 1. A person who is a prosecuting attorney, appointed by the President of the Senate;
- 10 2. A representative of a statewide organization with a mission of advancing civil
11 liberties, appointed by the President of the Senate;
- 12 3. A member of the public, appointed by the President of the Senate;
- 13 4. A person who is a criminal defense attorney, appointed by the Speaker of the House
14 of Representatives;
- 15 5. A person who is a legal educator, appointed by the Speaker of the House of
16 Representatives;
- 17 6. A representative of a statewide organization with a mission of advancing racial
18 justice, appointed by the Speaker of the House of Representatives; and
- 19 7. An active retired judge or justice, appointed by the Chief Justice of the Supreme
20 Judicial Court.

21 **Sec. 2. Outside consultant; review. Resolved:** That the Legislative Council shall
22 issue a request for proposals seeking an outside consultant with experience and expertise
23 in the review of criminal statutory provisions to conduct a review of the Maine Criminal
24 Code and other statutes establishing Class A to Class E crimes in the Maine Revised
25 Statutes. The advisory council shall assist the Legislative Council in drafting the request
26 for proposals and shall interview the applicants and select the outside consultant from the
27 group of applicants. The outside consultant shall conduct a review of the Maine Criminal
28 Code and other offenses that are designated as Class A to Class E crimes in the Maine
29 Revised Statutes to determine criminal offenses that have not been charged or have rarely
30 been charged in the State within the previous 10 years and other offenses that may be
31 redundant, outdated or otherwise not conducive to public safety in the State and the proper
32 application of the Maine Criminal Code and of the laws regarding other offenses that are
33 designated as Class A to Class E crimes in the Maine Revised Statutes and determine
34 whether to eliminate those offenses from or retain those offenses in the Maine Criminal
35 Code and in other laws. The advisory council shall review the report of the outside
36 consultant and develop recommendations.

37 **Sec. 3. Departments and agencies. Resolved:** That a department or agency of
38 the State may make recommendations to the advisory council concerning a crime under the
39 jurisdiction of the department or agency.

40 **Sec. 4. Report. Resolved:** That, by November 6, 2024, the advisory council shall
41 submit a report based upon the review under this resolve and any recommended legislation
42 to the joint standing committee of the Legislature having jurisdiction over criminal justice

1 and public safety matters, which may report out legislation to the 132nd Legislature in
2 2025.

3 **SUMMARY**

4 This resolve creates an advisory council to select an outside consultant to review the
5 Maine Criminal Code and other statutes establishing Class A to Class E crimes in the Maine
6 Revised Statutes for criminal offenses that have not been charged or have rarely been
7 charged within the previous 10 years and other offenses not conducive to public safety in
8 the State and the proper application of the Maine Criminal Code and of the laws regarding
9 other offenses that are designated as Class A to Class E crimes in the Maine Revised
10 Statutes and determine whether to eliminate those offenses from or retain those offenses in
11 the Maine Criminal Code and in other laws. This resolve directs the advisory council to
12 submit a report based upon the review and any recommended legislation to the joint
13 standing committee of the Legislature having jurisdiction over criminal justice and public
14 safety matters, which is authorized to report out legislation to the 132nd Legislature in
15 2025.