

131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2046

H.P. 1308

House of Representatives, December 13, 2023

An Act to Continue Allowing the Department of Corrections to Accept Placement of Certain Defendants Found Incompetent to Stand Trial

(EMERGENCY)

Submitted by the Department of Corrections pursuant to Joint Rule 203.

Received by the Clerk of the House on December 11, 2023. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative SALISBURY of Westbrook.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and 3 Whereas, the Second Regular Session of the 131st Legislature is scheduled to adjourn 4 on the 3rd Wednesday of April 2024; and 5 Whereas, the provision of law authorizing the Commissioner of Corrections to accept the placement of an adult defendant in a mental health unit of a correctional facility when 6 the adult defendant has been found incompetent to stand trial is going to be repealed July 7 8 1, 2024, which is less than 90 days after statutory adjournment; and 9 Whereas, in the judgment of the Legislature, these facts create an emergency within 10 the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, 11 12 therefore. Be it enacted by the People of the State of Maine as follows: 13 14 Sec. 1. 34-A MRSA §3069-C, sub-§6, as enacted by PL 2021, c. 259, §1, is 15 repealed. 16 **Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved. 17 **SUMMARY** 18 19 This bill repeals the provision of law that repeals, on July 1, 2024, the authorization for 20 the Commissioner of Corrections to accept the placement of an adult defendant in a mental health unit of a correctional facility when the adult defendant has been found incompetent 21 22 to stand trial and has been committed to the custody of the Commissioner of Health and 23 Human Services.