

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

‘**Sec. 1. 15 MRSA §103, first ¶**, as amended by PL 2005, c. 263, §1, is further amended to read:

When a court accepts a negotiated plea of not criminally responsible by reason of insanity or when a defendant is found not criminally responsible by reason of insanity by jury verdict or court finding, the judgment must so state. In those cases the court shall order the person committed to the custody of the Commissioner of Health and Human Services to be placed in an appropriate institution for the mentally ill or the mentally retarded for care and treatment. Upon placement in the appropriate institution and in the event of transfer from one institution to another of persons committed under this section, notice of the placement or transfer must be given by the commissioner to the committing court. If the underlying crime for which the defendant pleaded or was found not criminally responsible by reason of insanity was murder, attempted murder or manslaughter, the defendant must be placed in an appropriate institution for the mentally ill or the mentally retarded for care and treatment for at least 2 years.’

SUMMARY

This amendment replaces the bill and is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment requires a commitment to an appropriate institution for the mentally ill or the mentally retarded of at least 2 years for a defendant who pleads or is found not criminally responsible by reason of insanity for a crime of murder, attempted murder or manslaughter.

FISCAL NOTE REQUIRED

(See attached)