

## **129th MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2019

**Legislative Document** 

No. 829

H.P. 603

House of Representatives, February 14, 2019

**Resolve, To Reestablish the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners** 

(EMERGENCY)

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

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative TALBOT ROSS of Portland.

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not 1 become effective until 90 days after adjournment unless enacted as emergencies; and 2 Whereas, this legislation establishes the Commission To Improve the Sentencing, 3 Supervision, Management and Incarceration of Prisoners; and 4 5 Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next 6 legislative session; and 7 8 Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as 9 immediately necessary for the preservation of the public peace, health and safety; now, 10 therefore, be it 11 12 Sec. 1. Commission established. Resolved: That, notwithstanding Joint Rule 353, the Commission To Improve the Sentencing, Supervision, Management and 13 Incarceration of Prisoners, referred to in this section as "the commission," is established. 14 1. Commission membership. The commission consists of 17 members as follows: 15 A. Two members of the Senate appointed by the President of the Senate; 16 B. Two members of the House of Representatives, at least one of whom is a sponsor 17 or cosponsor of this legislation, appointed by the Speaker of the House of 18 Representatives; 19 20 C. The Attorney General or the Attorney General's designee; 21 D. The Commissioner of Corrections or the commissioner's designee; 22 E. The Commissioner of Health and Human Services or the commissioner's designee; 23 The Director of Adult Community Corrections within the Department of 24 F Corrections or the director's designee; 25 G. Six individuals appointed by the Governor: 26 (1) A representative of a statewide association of prosecutors nominated by the 27 association; 28 29 A representative of a statewide association of county commissioners (2)nominated by the association; 30 (3) A representative of a statewide association of county sheriffs nominated by 31 the association: 32 (4) A representative of a statewide association of criminal defense lawyers 33 34 nominated by the association; 35 (5) A representative of a statewide organization representing people with mental illness and their families; and 36

(6) A member of the public; and

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2 H. The commission shall invite the Chief Justice of the Supreme Judicial Court to 3 serve or name a designee to serve as a voting member of the commission and to 4 appoint 2 trial judges or their designees to serve as voting members of the 5 commission.

Appointments; chair; meetings. All appointments must be made no later than
 30 days following the effective date of this resolve. The Governor shall appoint a chair
 from among the membership of the commission, who shall call and convene the first
 meeting of the commission no later than 30 days after appointments of all members. The
 commission may hold up to 6 meetings, which, at the discretion of the chair, may include
 public hearings.

- 12 **3. Duties.** The duties of the commission are as follows.
- A. The commission shall conduct research and prepare recommendations addressing
  the following goals:
- 15 (1) Reducing the overall prison population in both state and county facilities, 16 with a focus on lowering the population of nonviolent prisoners;
- 17 (2) Reducing the overall cost of the corrections system;
- 18 (3) Accomplishing policy, program and structural improvements that reduce 19 recidivism and improve the transition of prisoners back into the community;
- 20 (4) Preserving community safety;
- (5) Respecting the needs of victims and communities in the process of holding
   prisoners accountable for their actions; and
- (6) Developing recommendations that address the factors leading to increasing
  prisoner populations at both the county or regional jail and state prison levels, the
  impact of current sentencing laws, the use of alternate sentences and means to
  reduce recidivism, in particular recidivism caused by mental illness and
  substance use disorder.

B. To accomplish its purpose, the commission shall examine multiple strategies for addressing issues related to the continually and rapidly increasing prisoner populations at both the county or regional jail and state prison levels, including diversion from jail or prison, programming to improve reentry from jail or prison back to the community, community alternatives to incarceration and changes in sentencing laws, policies and practices. In conducting its examination, the commission shall:

(1) Study factors leading to increasing prisoner populations in state and county
correctional facilities; examine and analyze the prisoner population and projected
growth at both the county or regional jail and state prison levels to include
offenses, length of sentence and other issues, such as mental illness and substance
use disorder, that lead to incarceration or reincarceration; and identify trends in
the prisoner population and determine what impact these changes will have on
future growth;

- (2) Examine factors linking juvenile and adult prisoner populations;
- 2 (3) Review existing program and treatment levels for the prisoner population and 3 recommend improvements based on projected need and effective programs 4 supported by research; and
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(4) Consult with and seek input from former prisoners as well as from organizations advocating for persons with mental illness.

4. Staff assistance. The Department of Corrections shall provide necessary staffing
 services to the commission.

**5. Compensation.** The members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the commission. Members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

6. **Report.** No later than December 4, 2019, the commission shall submit a report detailing its findings and recommendations, including any proposed legislation, to the Joint Standing Committee on Criminal Justice and Public Safety and to the Joint Standing Committee on Judiciary, each of which may report out legislation related to the report to the Second Regular Session of the 129th Legislature.

21 **Emergency clause.** In view of the emergency cited in the preamble, this 22 legislation takes effect when approved.

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SUMMARY

This resolve reestablishes the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was previously established by the L21st Legislature in 2003. This 17-member commission is charged with conducting research and preparing recommendations on a variety of issues relating to the sentencing of prisoners, the management of county and state correctional facilities and the treatment of prisoners within those facilities.

The commission is directed to submit, no later than December 4, 2019, a report detailing its findings and recommendations, including any proposed legislation, to the Joint Standing Committee on Criminal Justice and Public Safety and to the Joint Standing Committee on Judiciary, each of which may report out legislation relating to the report to the Second Regular Session of the 129th Legislature.