



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 363

S.P. 170

In Senate, January 31, 2023

**An Act to Expand the Jurisdiction of the Sentence Review Panel of
the Supreme Judicial Court**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BEEBE-CENTER of Knox.

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

2 **Sec. 1. 15 MRSA §2151**, as amended by PL 2019, c. 113, Pt. C, §42, is further
3 amended to read:

4 **§2151. Application to the Supreme Judicial Court by defendant for review of certain**
5 **sentences**

6 In cases arising in the District Court ~~or~~, the Superior Court ~~or~~ the Unified Criminal
7 Docket in which a defendant has been convicted of a criminal offense and sentenced to a
8 term of imprisonment ~~of one year or more~~, a term of probation, a fine or restitution, the
9 defendant may apply to the Supreme Judicial Court, sitting as the Law Court, for review of
10 the sentence, except:

11 **1. Different term sentence could not be imposed.** In any case in which a different
12 term of imprisonment, term of probation, fine or restitution could not have been imposed;

13 **2. Plea agreements.** In any case in which the particular disposition involving
14 imprisonment, probation, a fine or restitution was imposed as a result of a court accepting
15 a recommendation of the type specified in the Maine Rules of Unified Criminal Procedure,
16 Rule 11A, subsection (a)(2) or (a)(4); or

17 **3. Restitution.** As limited by Title 17-A, section 2017.

18 **Sec. 2. 15 MRSA §2157**, as enacted by PL 1989, c. 218, §5, is repealed.

19 **Sec. 3. 15 MRSA §2157-A** is enacted to read:

20 **§2157-A. Stay of execution of sentence and post-conviction bail authorized for**
21 **sentence appeal**

22 A defendant convicted of a criminal offense who has applied under this chapter for
23 review of the defendant's sentence may apply for:

24 **1. Stay of execution.** A stay of execution of the sentence as provided by the Maine
25 Rules of Unified Criminal Procedure and the Maine Rules of Appellate Procedure; or

26 **2. Post-conviction bail.** Post-conviction bail as provided in section 1051.

27 **SUMMARY**

28 This bill expands the jurisdiction of the Sentence Review Panel of the Supreme Judicial
29 Court from reviewing terms of imprisonment of one year or more to reviewing terms of
30 imprisonment of any duration, terms of probation, fines or restitution. It authorizes, for an
31 applicant seeking sentence review, a stay of execution of the sentence and post-conviction
32 bail.