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Legislative Document

No. 957

S.P. 309

In Senate, March 9, 2021

An Act To Reform Alternative Sentencing Programs

Reference to the Committee on Judiciary suggested and ordered printed.

DAREK M. GRANT Secretary of the Senate

Presented by Senator MAXMIN of Lincoln.
Cosponsored by Representative CUDDY of Winterport and
Senator: BAILEY of York, Representatives: EVANGELOS of Friendship, MORALES of
South Portland, PLUECKER of Warren, RECKITT of South Portland, TALBOT ROSS of
Portland, WARREN of Hallowell.

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

- **Sec. 1. 17-A MRSA §1902, sub-§1,** as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:
- Authority of court to order deferment and impose requirements; administrative supervision fee. Following the acceptance of a plea of guilty for a crime for which a person is eligible for a deferred disposition under section 1901, the court may order sentencing deferred to a date certain or determinable and impose requirements upon the person, including the requirement that the person complete an alternative sentencing program, to be in effect during the period of deferment, considered by the court to be reasonable and appropriate to assist the person to lead a law-abiding life. The courtimposed deferment requirements must include a requirement that the person refrain from criminal conduct and may include a requirement that the person pay to the appropriate county an administrative supervision fee of not more than \$50 per month, as determined by the court, for the term of the deferment. In determining the amount of the fee, the court shall take into account the financial resources of the person and the nature of the burden its payment imposes. In exchange for the deferred sentencing, the person shall abide by the court-imposed deferment requirements. Unless the court orders otherwise, the requirements are immediately in effect.
- **Sec. 2. 30-A MRSA §1606, sub-§1,** as amended by PL 2011, c. 506, §1, is further amended to read:
- 1. Participation in public works projects authorized. The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other counties, may permit certain inmates of that jail to participate in <u>alternative sentencing programs ordered pursuant to Title 17-A, section 1902, subsection 1 or other public works-related projects or in the improvement of property owned by charitable organizations in that county or another county. A project or improvement must be supervised by the sheriff of the county in which the project or improvement is being conducted. The sheriff may request payment from charitable organizations for the transportation of the prisoners and for the transportation and per diem compensation for any guards who accompany the prisoners. For the purposes of this section, "charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code of 1986, Section 501(a), because the nonprofit organization is described in the United States Internal Revenue Code of 1986, Section 501(c)(3).</u>

35 SUMMARY

This bill allows the court to sentence to an alternative sentencing program a person who is eligible for a deferred disposition. This bill also authorizes a sheriff in charge of a county jail or in a county that shares a regional jail with other counties to permit an inmate who has been sentenced to an alternative sentencing program to participate in that program.