

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

An Act To Increase Split Sentencing Alternatives

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

Sec. 1. 17-A MRSA §1203, sub-§1-A, as amended by PL 2007, c. 344, §2, is further amended to read:

1-A. The court may sentence a person to a term of imprisonment, not to exceed the maximum term authorized for the crime, an initial portion of which must be served and the remainder of which must be suspended. Except as otherwise provided, the initial portion of imprisonment may not exceed 1/3 of the sentence imposed. If the court determines that imposing only 1/3 of the initial portion of imprisonment frustrates the general purposes of sentencing set forth in section 1151, the court may impose a greater sentence of imprisonment but shall state in writing its reasons for its findings and imposition of sentence. The period of probation commences on the date the person is released from the initial unsuspended portion of the term of imprisonment, unless the court orders it to commence on an earlier date.

A. If the period of probation commences upon release of the person from the initial unsuspended portion of the term of imprisonment, the court may revoke probation for any criminal conduct committed during that initial period of imprisonment.

B. The court may revoke probation if, during the initial unsuspended portion of the term of imprisonment, a person sentenced as a repeat sexual assault offender, pursuant to section 1252, subsection 4-B, refuses to actively participate in a sex offender treatment program in accordance with the expectations and judgment of the treatment providers, when requested to do so by the Department of Corrections.

C. As to both the suspended and unsuspended portions of the sentence, the place of imprisonment must be as follows.

(1) For a Class D or Class E crime the court must specify a county jail as the place of imprisonment.

(2) For a Class A, Class B or Class C crime the court must:

(a) Specify a county jail as the place of imprisonment for any portion of the sentence that is 9 months or less; and

(b) Commit the person to the Department of Corrections for any portion of the sentence that is more than 9 months.

D. If execution of the sentence is stayed, the court may revoke probation for criminal conduct committed during the period of stay or for failure to report as ordered.

SUMMARY

This bill amends the sentencing alternative of split sentences. The bill specifies that the initial portion of imprisonment may not exceed 1/3 of the sentence imposed; however, if the court determines that imposing only 1/3 of the initial portion of imprisonment frustrates the general purposes of sentencing set forth in the Maine Revised Statutes, Title 17-A, section 1151, the court may impose a greater sentence of imprisonment but must state in writing its reasons for its findings and imposition of sentence.