

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. 17-A MRSA §1253-A** is enacted to read:

§ 1253-A. Earned deductions for educational achievement and completion of treatment

1. Subject to the limitation set forth in subsection 3, in addition to any of the other deductions available under this chapter and in accordance with the provisions of this section, any person sentenced on or after January 1, 2019 to a term of imprisonment and committed to the custody of the Department of Corrections, notwithstanding that the crime for which the person was sentenced may have been committed before January 1, 2019, may receive earned deductions for the educational achievements and completions of treatment specified in subsection 2.

A. Subject to the limitation in paragraph D, the earned deductions authorized under this section must be applied to the sentence or sentences of imprisonment controlling the person's release date at the time the deductions are awarded in a manner that accords the person the full benefit of the deductions awarded, except that the earned deductions authorized under this section may not be applied to any sentence imposed before January 1, 2019.

B. The earned deductions specified in subsection 2, paragraphs A to E are not cumulative and may be awarded only for the highest specified level of educational achievement attained by a person during the sentence or sentences of imprisonment controlling the person's release date.

C. The earned deduction specified in subsection 2, paragraph F may be awarded in addition to any other earned deduction that may be awarded pursuant to subsection 2, paragraphs A to E, G and H. The earned deduction specified in subsection 2, paragraph G may be awarded in addition to any other earned deduction that may be awarded pursuant to subsection 2, paragraphs A to F and H. The earned deduction specified in subsection 2, paragraph H may be awarded in addition to any other earned deduction that may be awarded pursuant to subsection 2, paragraphs A to G.

D. The earned deductions authorized under this section may not exceed 25% of any sentence to which the deductions are to be applied.

E. The earned deductions awarded to a person pursuant to this section may be later withdrawn by the Department of Corrections for serious disciplinary offenses specified by the department by rule and for violations of criminal law and, if withdrawn, may be restored by the department if the person's later conduct, participation in programs and fulfillment of assigned responsibilities are such that the restoration is warranted.

F. With respect to the earned deductions specified in subsection 2, paragraphs A to C, a person may receive a partial award of the specified earned deduction based upon the extent to which credits applicable to the specified educational achievement were earned by the person prior to the imposition of the sentence or sentences of imprisonment controlling the person's release date. A partial award of a specified earned deduction may not be less than 20% of a full award of the earned deduction. A person may not receive a partial award of the earned deductions specified in subsection 2, paragraphs D to H.

2. The earned deductions authorized under this section for educational achievements and completions of treatment are as follows:

A. For achievement by an eligible person of a bachelor's degree from an accredited institution of higher education, a deduction of 216 days from the person's sentence;

B. For achievement by an eligible person of an associate degree from an accredited institution of higher education, a deduction of 108 days from the person's sentence;

C. For achievement by an eligible person of an adult high school diploma, a deduction of 36 days from the person's sentence;

D. For completion by an eligible person of a general high school equivalency diploma or test authorized and approved by the Department of Corrections, a deduction of 36 days from the person's sentence;

E. For completion by an eligible person of a vocational, career or technical training program authorized and approved by the Department of Corrections, a deduction of 72 days from the person's sentence;

F. For completion by an eligible person of a course of mental health programming and treatment recommended or approved by the Department of Corrections and specifically recommended for the person by clinical treatment staff of the department, a deduction of 18 days from the person's sentence;

G. For completion by an eligible person of a course of substance abuse programming and treatment recommended or approved by the Department of Corrections and specifically recommended for the person by clinical treatment staff of the department, a deduction of 18 days from the person's sentence; and

H. For completion by an eligible person of a course of cognitive-behavioral treatment recommended or approved by the Department of Corrections and specifically recommended for the person by clinical treatment staff of the department, a deduction of 18 days from the person's sentence.

3. Deductions under this section may not be applied to the sentence of a person who commits:

A. Murder;

B. A crime under chapter 11;

- C. A crime under section 556;
- D. A crime under section 854, excluding subsection 1, paragraph A, subparagraph (1);
- E. A crime under chapter 12; or
- F. A crime against a family or household member under chapter 9 or 13 or section 506-B, 554, 555 or 758. As used in this paragraph, "family or household member" has the same meaning as in Title 19-A, section 4002, subsection 4.

4. The Department of Corrections shall adopt rules governing the administration and award, withdrawal and restoration of the earned deductions authorized under this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

SUMMARY

This amendment, which is the minority report of the committee, replaces the bill and authorizes a person sentenced on or after January 1, 2019 and committed to the custody of the Department of Corrections to earn deductions for certain specified educational achievements and completions of treatment.

FISCAL NOTE REQUIRED

(See attached)