

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

An Act Regarding the Place of Imprisonment of Certain Prisoners

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

Sec. 1. 17-A MRSA §1203, sub-§1-A, ¶C, as enacted by PL 1999, c. 788, §4, is amended to read:

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. If the person is imprisoned at a county jail for longer than 9 months, the Commissioner of Corrections shall determine whether to transfer the prisoner to a correctional facility or to retain the person at the county jail. If the person remains at the county jail beyond 9 months, the commissioner shall reimburse the county for the cost of imprisonment beyond 9 months as provided in Title 34-A, section 1210-D, subsection 6.

(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.

If the person is imprisoned at a county jail for longer than 9 months, the Commissioner of Corrections shall determine whether to transfer the prisoner to a correctional facility or to retain the person at the county jail. If the person remains at the county jail beyond 9 months, the commissioner shall reimburse the county for the cost of imprisonment beyond 9 months as provided in Title 34-A, section 1210-D, subsection 6.

Sec. 2. 17-A MRSA §1206, sub-§9, as amended by PL 1999, c. 788, §6, is further amended to read:

9. Whenever a previously suspended sentence of imprisonment for a Class A, Class B or Class C crime is vacated, in whole or in part, as the result of a probation revocation, the court must respecify the place of imprisonment, which must be the place in which the person was imprisoned prior to release on probation, for both the portion required to be served and any remaining suspended portion, if necessary, to carry out the intent of section 1203, subsection 1-A.

Sec. 3. 17-A MRSA §1252, sub-§1, ¶¶A and B, as enacted by PL 1989, c. 693, §5, are amended to read:

A. For a Class D or Class E crime the court must specify a county jail as the place of imprisonment. If the person is imprisoned at a county jail for longer than 9 months, the Commissioner of Corrections shall reimburse the county for the cost of imprisonment beyond 9 months as provided in Title 34-A, section 1210-D, subsection 6.

B. For a Class A, Class B or Class C crime the court must:

(1) Specify a county jail as the place of imprisonment if the term of imprisonment is 9 months or less; or

(2) Commit the person to the Department of Corrections if the term of imprisonment is more than 9 months.

If the person is imprisoned at a county jail for longer than 9 months, the Commissioner of Corrections shall determine whether to transfer the prisoner to a correctional facility or to retain the person at the county jail. If the person remains at the county jail beyond 9 months, the commissioner shall reimburse the county for the cost of imprisonment beyond 9 months as provided in Title 34-A, section 1210-D, subsection 6.

Sec. 4. 34-A MRSA §1210-D, sub-§6 is enacted to read:

6. Reimbursement to county jails. Notwithstanding any provision of law to the contrary, the department shall reimburse the county jails from the fund on a per diem basis for prisoners imprisoned for longer than 9 months, as provided in Title 17-A, section 1203, subsection 1-A, paragraph C and Title 17-A, section 1252, subsection 1, paragraphs A and B.

SUMMARY

This bill requires that the Commissioner of Corrections determine whether to transfer to a correctional facility or retain at a county jail a person who is imprisoned at a county jail for longer than 9 months. If the person is retained at the county jail, the bill requires the commissioner to reimburse the county jail on a per diem basis for the cost of imprisonment beyond 9 months. The bill requires that when a previously suspended sentence of imprisonment for a Class A, Class B or Class C crime is vacated, in whole or in part, as the result of a probation revocation, the court must respecify as the place of imprisonment the place in which the person was imprisoned prior to release on probation.