

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 Revise the Good Time Laws To Improve Public Safety

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

Sec. 1. 17-A MRSA §1253, sub-§6-A, as amended by PL 2003, c. 711, Pt. A, §16, is further amended to read:

6-A. When a judgment of conviction involving a term of imprisonment is vacated or a sentence involving a term of imprisonment is revised or reviewed and a new sentence involving a term of imprisonment is thereafter imposed upon the person for the same offense, day-for-day credit must be accorded on the new sentence both for each day the person served in execution of the initial sentence and for all previously earned deductions specified in subsections 4, 5, 8, 9 ~~and~~ 10 and 15 and Title 30-A, section 1606. Prior to the day-for-day credit being given on the new sentence, the new sentence must, after first having been reduced by any deductions specified in subsection 2 previously or subsequently received, have applied to it the controlling deduction specified in either subsection 3 or 3-B, if applicable.

Sec. 2. 17-A MRSA §1253, sub-§13, as amended by PL 2015, c. 431, §42, is further amended to read:

13. If a court imposes a sentencing alternative pursuant to section 1152 that includes a term of imprisonment, in setting the appropriate length of that term, as well as an unsuspended portion of that term, if any, the court may not consider the potential impact of deductions under subsections 2, 3, 3-B, 4, 5, 8, 9 ~~and~~ 10 and 15 except in the context of a plea agreement in which both parties are recommending to the court a particular disposition under the Maine Rules of Unified Criminal Procedure, Rule 11-A.

Sec. 3. 17-A MRSA §1253, sub-§14, as enacted by PL 2007, c. 102, §5, is amended to read:

14. The Commissioner of Corrections or the sheriff of the county jail may establish policy and guidelines for crediting hours of participation in work in excess of 8 hours in a day toward another day for the purpose of calculating deductions from a sentence under subsections 4, 5, 8 ~~and~~ 10 and 15.

Sec. 4. 17-A MRSA §1253, sub-§15 is enacted to read:

15. Notwithstanding any other provision of this section to the contrary and in accordance with the provisions of this subsection, beginning January 1, 2020, each person who has been sentenced to a term of imprisonment for a crime on or after October 1, 1983 and each person who commits a crime on or after January 1, 2020 and is subsequently sentenced to a term of imprisonment for that crime is entitled to receive a total deduction of up to 12 days per month under this subsection if such deduction is determined to be warranted by the chief administrative officer of the state correctional facility or the sheriff of the county jail in which the person has been detained, except that the total number of days of deduction per month a person is entitled to receive under this section may not exceed 12 days. For the purpose of calculating deductions under this subsection, a month is a calendar month.

A. Up to 6 days per month may be deducted if the person's conduct and fulfillment of assigned responsibilities is determined to warrant those deductions.

(1) Deductions made under this paragraph must be calculated as follows for partial months.

<u>Days of partial month</u>	<u>Maximum meritorious good time credit available</u>
<u>1 to 10 days</u>	<u>up to 2</u>
<u>11 to 20 days</u>	<u>up to 4</u>
<u>21 to 31 days</u>	<u>up to 6</u>

B. Up to 4 additional days per month may be deducted if the person's participation in educational programming, participation in assigned work, compliance with the person's case plan or fulfillment of other responsibilities within the state correctional facility or county jail is determined to warrant those deductions.

(1) Deductions made under this paragraph must be calculated as follows for partial months.

<u>Days of partial month</u>	<u>Maximum meritorious good time credit available</u>
<u>1 to 15 days</u>	<u>up to 2</u>
<u>16 to 31 days</u>	<u>up to 4</u>

C. Up to 2 additional days per month may be deducted if the person's participation in minimum security or community programs in the person's transition plan for community work, education or rehabilitation programs administered or contracted by the state correctional facility or county jail is determined to warrant those deductions.

(1) Deductions made under this paragraph must be calculated as follows for partial months.

<u>Days of partial month</u>	<u>Maximum meritorious good time credit available</u>
<u>1 to 15 days</u>	<u>up to 1</u>
<u>16 to 31 days</u>	<u>up to 2</u>

D. Any portion of the time deducted from the sentence of any person pursuant to this subsection may be withdrawn by the chief administrative officer of the state correctional facility or the sheriff of the county jail for the infraction of any rule of the state correctional facility or jail, for any misconduct or for the violation of any law of the State. The chief administrative officer of the state correctional facility or the sheriff of the county jail may restore any portion of the deductions that have been withdrawn if the person's later conduct and outstanding effort are such that the restoration is determined to be warranted in the discretion of the chief administrative officer or sheriff.

SUMMARY

Beginning January 1, 2020, this bill provides for up to 12 days of deduction per month from a sentence of imprisonment for any person sentenced for a crime on or after October 1, 1983 and for any person who commits a crime on or after January 1, 2020 and is subsequently sentenced for that crime as follows:

1. Up to 6 days per month may be deducted if the person's conduct and fulfillment of assigned responsibilities is determined to warrant those deductions;
2. Up to 4 additional days per month may be deducted if the person's participation in educational programming, participation in assigned work, compliance with the person's case plan or fulfillment of other responsibilities is determined to warrant those deductions; and
3. Up to 2 additional days per month may be deducted if the person's participation in minimum security or community programs in the person's transition plan for community work, education or rehabilitation programs is determined to warrant those deductions.

Awarding of these deductions is determined by the chief administrative officer of the state correctional facility or the sheriff of the county jail in which the person has been detained. The bill caps at 12 days the total days of deduction per month a person may receive under the State's good time laws.