

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

An Act Related to Community Reparations Boards

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

Sec. 1. 17-A MRSA §1204-A, sub-§1-A is enacted to read:

1-A. If the court imposes a sentencing alternative that includes a period of deferred disposition, the court may, with the express approval of the prosecuting attorney, require as a condition of the deferred disposition that the person subject to the deferred disposition appear before a community reparations board and abide by any requirement imposed by the board if the court finds no circumstance that makes the appearance inappropriate.

Sec. 2. 17-A MRSA §1204-A, sub-§2, ¶B, as enacted by PL 1997, c. 421, Pt. B, §2, is amended to read:

B. Appear before the board as directed by the probation officer, Department of Corrections employee enforcing a deferred disposition or prosecuting attorney; and

Sec. 3. 17-A MRSA §1204-A, sub-§§4 and 5, as enacted by PL 1997, c. 421, Pt. B, §2, are amended to read:

4. No requirement imposed by a community reparations board may extend longer than 6 months, except to pay restitution or as ordered by the court.

5. Failure to abide by the requirements of this section constitutes a violation of probation or of the deferred disposition.

Sec. 4. 17-A MRSA §1348-A, sub-§1, as amended by PL 2005, c. 288, §1, is further amended to read:

1. Following the acceptance of a plea of guilty for a crime for which a person is eligible for a deferred disposition under section 1348, the court may order sentencing deferred to a date certain or determinable and impose requirements upon the person, 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 court-imposed 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. The court-imposed deferment requirements may include a requirement that a person appear before a community reparations board pursuant to section 1204-A, subsection 1-A. 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.

SUMMARY

This bill provides that, if a court imposes a sentencing alternative that includes a period of deferred disposition, the court may, with the express approval of the prosecuting attorney, require as a condition of the deferred disposition that the person subject to the deferred disposition appear before a community reparations board and abide by any requirement imposed by the board if the court finds no circumstance that makes the appearance inappropriate.