



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 217

S.P. 63

In Senate, January 24, 2017

An Act Regarding the Place of Imprisonment of Certain Prisoners

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Senators: LIBBY of Androscoggin, MASON of Androscoggin,
Representative: GOLDEN of Lewiston.

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

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

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

6 (1) For a Class D or Class E crime the court must specify a county jail as the
7 place of imprisonment. If the person is imprisoned at a county jail for longer
8 than 9 months, the Commissioner of Corrections shall determine whether to
9 transfer the prisoner to a correctional facility or to retain the person at the county
10 jail. If the person remains at the county jail beyond 9 months, the commissioner
11 shall reimburse the county for the cost of imprisonment beyond 9 months as
12 provided in Title 34-A, section 1210-D, subsection 6.

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

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

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

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

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

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

32 **Sec. 3. 17-A MRSA §1252, sub-§1, ¶¶A and B**, as enacted by PL 1989, c. 693,
33 §5, are amended to read:

34 A. For a Class D or Class E crime the court must specify a county jail as the place
35 of imprisonment. If the person is imprisoned at a county jail for longer than 9
36 months, the Commissioner of Corrections shall reimburse the county for the cost of
37 imprisonment beyond 9 months as provided in Title 34-A, section 1210-D, subsection
38 6.

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

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

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

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

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

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

17 **SUMMARY**

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