



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 626

S.P. 216

In Senate, February 21, 2013

An Act To Remove the Mandatory Minimum Jail Sentence in Certain Cases

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative FREDETTE of Newport and
Representative: COTTA of China.

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

2 **Sec. 1. 17-A MRSA §1252, sub-§5**, as amended by PL 1995, c. 28, §1, is further
3 amended to read:

4 **5.** Notwithstanding any other provision of this code, except as provided in this
5 subsection, if the State pleads and proves that a Class A, B or C crime was committed
6 with the use of a firearm against a person, the minimum sentence of imprisonment, which
7 may not be suspended, is as follows: When the sentencing class for the crime is Class A,
8 the minimum term of imprisonment is 4 years; when the sentencing class for the crime is
9 Class B, the minimum term of imprisonment is 2 years; and when the sentencing class for
10 the crime is Class C, the minimum term of imprisonment is one year. For purposes of
11 this subsection, the applicable sentencing class is determined in accordance with
12 subsection 4. This subsection does not apply to the crime of reckless conduct, as defined
13 in section 211. This subsection does not apply if the State pleads and proves criminal
14 threatening or attempted criminal threatening, as defined in section 209, or terrorizing or
15 attempted terrorizing, as defined in section 210, subsection 1, paragraph A.

16 **SUMMARY**

17 This bill removes the mandatory minimum sentence of one year of imprisonment for
18 a conviction of the crime of reckless conduct with a firearm.