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JUDICIARY

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STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 112, L.D. 246, “An Act to Establish the Option of Sentencing Alternatives for Primary Caregivers”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 17-A MRSA §1602, sub-§1, ¶B, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

B. Second, the court shall determine the maximum term of imprisonment to be imposed by considering all other relevant sentencing factors, both aggravating and mitigating, appropriate to the case. Relevant sentencing factors include, but are not limited to, the character of the individual, the individual's criminal history, the effect of the offense on the victim, the effect of the potential term of imprisonment on those relying on the individual as a primary caregiver and the protection of the public interest.

Sec. 2. 17-A MRSA §1602, sub-§4 is enacted to read:

4. Class D or Class E crimes. In imposing a sentencing alternative for a Class D or Class E crime pursuant to section 1502 that is contested by the parties and setting the appropriate length of that term as well as any unsuspended portion of that term accompanied by a period of probation or administrative release, the court shall consider all relevant sentencing factors, both aggravating and mitigating, appropriate to the case. Relevant sentencing factors include, but are not limited to, the character of the individual, the individual's criminal history, the effect of the offense on the victim, the effect of the potential sentencing alternative on those relying on the individual as a primary caregiver and the protection of the public interest.

Sec. 3. 17-A MRSA §1602, sub-§5 is enacted to read:

5. Primary caregiver defined. As used in this section, "primary caregiver" means an individual who has the greatest responsibility for the care of a minor, a dependent person or an incapacitated adult as defined by Title 22, section 3472, subsection 10.'

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively.

3 **SUMMARY**

4 This amendment requires a court, in sentencing a defendant convicted of an offense, to
5 consider a sentencing alternative other than imprisonment due to the defendant's being a
6 primary caregiver of a minor, dependent person or incapacitated adult.

7 **FISCAL NOTE REQUIRED**

8 **(See attached)**