1	L.D. 113
2	Date: (Filing No. S-)
3	CRIMINAL JUSTICE AND PUBLIC SAFETY
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5	STATE OF MAINE
6	SENATE
7	127TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT " " to S.P. 46, L.D. 113, Bill, "An Act To Reduce the Penalties for Certain Drug Offenses"
11 12	Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:
13 14	'Sec. 1. 17-A MRSA §1107-A, sub-§1, ¶A, as enacted by PL 2001, c. 383, §127 and affected by §156, is amended to read:
15 16 17	A. A schedule W drug that and at the time of the offense the person had one or more convictions for violating this chapter or for engaging in substantially similar conduct to that of the Maine offenses under this chapter in another jurisdiction and the drug is:
18	(1) Cocaine and the quantity possessed is more than 14 grams;
19 20	(2) Cocaine in the form of cocaine base and the quantity possessed is more than 4 grams; or
21	(3) Methamphetamine and the quantity possessed is more than 14 grams.
22 23 24	Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, the date of a prior conviction may precede the commission of the offense by more than 10 years.
25	Violation of this paragraph is a Class B crime;
26 27	Sec. 2. 17-A MRSA §1107-A, sub-§1, ¶B, as amended by PL 2007, c. 476, §43, is further amended to read:
28 29 30 31	B. A schedule W drug that and at the time of the offense the person had one or more convictions for violating this chapter or for engaging in substantially similar conduct to that of the Maine offenses under this chapter in another jurisdiction and the drug contains:
32	(1) Heroin (diacetylmorphine);

1 2 3 4 5 6	(2) Cocaine in the form of cocaine base and at the time of the offense the person has one or more prior convictions for any offense under this chapter or for engaging in substantially similar conduct to that of the Maine offenses under this chapter in another jurisdiction. For the purposes of this paragraph, a person has been convicted of an offense on the date the judgment of conviction was entered by the court;
7	(3) Methamphetamine;
8	(4) Oxycodone;
9	(5) Hydrocodone; or
10	(6) Hydromorphone.
11 12 13	Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, the date of a prior conviction may precede the commission of the offense by more than 10 years.
14	Violation of this paragraph is a Class C crime;
15	Sec. 3. 17-A MRSA §1152, sub-§2-D is enacted to read:
16 17 18	2-D. In choosing the appropriate punishment for every natural person convicted of a Class D drug offense, the court shall consider imposing a sentencing alternative that includes medical and mental health treatment for addiction, when appropriate.'
19	SUMMARY
20 21 22	This amendment is one of 3 reports of the committee. The amendment reduces unlawful possession of certain schedule W drugs from a Class B crime to a Class D crime and of certain other schedule W drugs from a Class C crime to a Class D crime when
23 24 25 26	there is no prior drug conviction in Maine or another jurisdiction. The amendment directs the court in sentencing a person for a Class D drug offense to consider imposing a sentencing alternative that includes medical and mental health treatment for addiction, when appropriate