

§1502. Authorized sentences

1. Sentences imposed on individuals and organizations. Every person convicted of a crime must be sentenced in accordance with the provisions of this Part.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Sentencing alternatives for individuals. The court shall sentence an individual convicted of a crime to at least one of the following sentencing alternatives:

- A. Unconditional discharge as authorized by chapter 73; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- B. A split sentence of imprisonment with probation as authorized by chapter 67, subchapter 1; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- C. A fine, suspended in whole or in part, with, at the court's discretion, probation as authorized by chapter 67, subchapter 1; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- D. A suspended term of imprisonment with probation as authorized by chapter 67, subchapter 1; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- E. A term of imprisonment as authorized by chapter 63; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- F. A fine as authorized by chapter 65, subchapter 1, which may be imposed in addition to the sentencing alternatives in paragraphs B, D, E, G, H, J, K and L; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- G. [PL 2021, c. 591, §1 (RP).]
- H. A specified number of hours of community service work as authorized by chapter 71; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- I. A fine, suspended in whole or in part, with, at the court's discretion, administrative release as authorized by chapter 67, subchapter 2; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- J. A suspended term of imprisonment with administrative release as authorized by chapter 67, subchapter 2; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- K. A split sentence of imprisonment with administrative release as authorized by chapter 67, subchapter 2; or [PL 2019, c. 113, Pt. A, §2 (NEW).]
- L. A term of imprisonment followed by a period of supervised release as authorized by chapter 67, subchapter 3. [PL 2019, c. 113, Pt. A, §2 (NEW).]

[PL 2021, c. 591, §1 (AMD).]

3. Deferred disposition. The court may accept a plea agreement between the attorney for the State and the defendant that provides for an agreed-upon authorized sentencing alternative the imposition of which is deferred in accordance with chapter 67, subchapter 4.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Restitution by individuals. The court may require an individual convicted of a crime to make restitution as authorized by chapter 69. Subject to the limitations of chapter 69, restitution may be imposed as a condition of probation or may be imposed in addition to any other sentencing alternative included within subsection 2 with the exception of an unconditional discharge.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Consideration of sentencing alternative involving fine for individuals. Except when specifically precluded, in choosing the appropriate punishment for an individual convicted of a crime, the court shall consider imposing a sentencing alternative involving a fine either in conjunction with or in lieu of imposing a sentencing alternative involving imprisonment.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

6. Consideration of substance use disorder treatment for individuals convicted of Class D drug offense. In choosing the appropriate punishment for an individual convicted of a Class D drug offense, the court shall consider imposing a sentencing alternative that includes medical and mental health treatment for substance use disorder, when appropriate.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

7. Sentencing alternatives for organizations. The court shall sentence an organization convicted of a crime to at least one of the following sentencing alternatives:

A. Unconditional discharge as authorized by chapter 73; [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. A fine, suspended in whole or in part, with probation as authorized by chapter 67, subchapter 1; [PL 2019, c. 113, Pt. A, §2 (NEW).]

C. A fine as authorized by chapter 65, subchapter 1; [PL 2019, c. 113, Pt. A, §2 (NEW).]

D. A sanction authorized by section 1503, which may be imposed in addition to the sentencing alternatives in paragraphs B, C and E; or [PL 2019, c. 113, Pt. A, §2 (NEW).]

E. A fine, suspended in whole or in part, with administrative release as authorized by chapter 67, subchapter 2. [PL 2019, c. 113, Pt. A, §2 (NEW).]

[PL 2019, c. 113, Pt. A, §2 (NEW).]

8. Restitution by organizations. The court may require an organization convicted of a crime to make restitution as authorized by chapter 69. Subject to the limitations of chapter 69, restitution may be imposed as a condition of probation or may be imposed in addition to any other sentencing alternative included within subsection 7, with the exception of an unconditional discharge.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

9. Other authority of court, Department of Corrections and jails. The provisions of this chapter do not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office or impose any other civil penalty. An appropriate order exercising such authority may be included as part of the judgment of conviction. The provisions of this chapter do not affect the authority of the Department of Corrections or a county jail granted by statute or the authority to transfer individuals from one facility to another by agreement.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW). PL 2021, c. 591, §1 (AMD).

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