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DEPARTMENT OF CORRECTIONS
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RANDALL A. LIBERTY
COMMISSIONER

TESTIMONY OF

**RANDALL A. LIBERTY, COMMISSIONER
DEPARTMENT OF CORRECTIONS**

In Opposition

**LD 801 An Act Regarding Sentencing Options for a Person Convicted of a Crime Committed While
Serving a Term of Imprisonment**

**Before the
Joint Standing Committee on Criminal Justice and Public Safety**

April 5, 2021

Senator Deschambault and Representative Warren and other distinguished members of the Criminal Justice and Public Safety committee, I am Randall A. Liberty, Commissioner of the Maine Department of Corrections providing testimony in opposition to LD 801.

The Maine Department of Corrections is concerned about the negative impact this bill would have on staff, residents, and property. This bill seeks to repeal Title 17-A, section 1609. If enacted, it would mean that many of those serving a split sentence would not be held accountable if they committed a new crime while incarcerated. Repealing the statute would eliminate the ability of a court to impose a nonconcurrent sentence when a resident of a DOC adult facility commits a new crime during imprisonment. A nonconcurrent sentence is a sentence that “interrupts” the sentence already being served so that the new sentence can begin immediately. Once the new sentence is finished, the previous sentence resumes.

If this bill passed, the court would only be able to impose on someone serving a split sentence a concurrent sentence for a new crime during imprisonment. A concurrent sentence is a sentence that runs at the same time as the sentence already being served. If the sentence already being served has more time left on it than the sentence for the new crime (or about the same amount of time), the new sentence would have no practical effect. It would mean that a resident who commits a new crime, including a resident who assaults staff or another resident, trafficks drugs, destroys state property, or commits sexual violence while serving time would not be given a meaningful sentence for the new crime, simply because it happened within a correctional facility.

The MDOC is concerned that repealing this statute would impact the security of the facilities and the safety of the persons within it. It could increase the risk for assaults on staff and among residents, and surely result in an increase in drug trafficking and other crimes because the residents committing these crimes would have no reason to be concerned about punishment.

Nonconcurrent sentencing, which results in more imprisonment time, is an effective deterrent from committing or attempting to commit a new crime while incarcerated and should not be eliminated.



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I will make myself and team available for the work session.

Randall A. Liberty
Commissioner, Department of Corrections