

Sponsor Amendment, Rep. Sophie Warren

Work Session: 12/14/2023

STRIKE AND REPLACE:

An Act to Establish Alternative Sentencing for Defendants Under the Age of 25 at the Time of the Offense

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

Sec. 1. 17-A MRSA §1613 is enacted to read:

§1613. Alternative sentencing for defendants under the age of 25 at the time of the offense

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dependent" has the same meaning as in Title 33, section 1021, subsection 1.

2. Motion for alternative sentence. Upon a conviction of an offense that may result in a sentence of imprisonment, the court may issue an alternative sentence under section 1502, subsection 2 due to the defendant's being under the age of 25 at the time of the offense. The court shall consider the defendant's status as being under the age of 25 at the time of the offense if no more than 60 days after the entry of judgment the defendant makes a motion for an alternative sentence. A motion for an alternative sentence under this subsection must be supported by an affidavit by the defendant detailing the basis for the assertion that the defendant meets the criteria under this section.

3. Findings. Upon receipt of a motion for an alternative sentence under subsection 2, the court shall consider the defendant's status as being under the age of 25 at the time of the offense and make written findings of the court's decision prior to issuing the sentence. In making the decision under this subsection, the court shall consider:

A. The nature and circumstances of the offense committed;

B. The history and character of the defendant;

C. The defendant's family circumstances and relationships; and

D. The impact of any sentence considered on the defendant being under the age of 25 at the time of the offense.

SUMMARY

This bill requires a court in sentencing a defendant convicted of an offense that may result in a term of imprisonment, upon motion of the defendant and supported by an affidavit, to consider an alternative sentence due to the defendant's being under the age of 25 at the time of the offense. In making the decision, the court is required to consider factors such as the nature and circumstances of the offense, the history and character of the defendant, the defendant's family circumstances and relationships and the impact of any sentence considered the defendant being under the age of 25 at the time of the offense. The court is required to make written findings of the court's decision before issuing the sentence.