

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

‘Sec. 1. 17-A MRSA §1252, sub-§4-F is enacted to read:

4-F. If the State pleads and proves that a Class B or C crime was committed with the intent to facilitate a chapter 11 crime, and the person is convicted of both the offense that facilitated the chapter 11 crime and the chapter 11 crime, the sentencing class for the crime that facilitated the chapter 11 crime is one class higher than it would otherwise be. In the case of a Class A crime, the sentencing class is not increased, but the prior record must be given serious consideration by the court when imposing a sentence.

Sec. 2. 17-A MRSA §1256, sub-§3-A is enacted to read:

3-A. Notwithstanding subsection 3, paragraph B, if the State pleads and proves that a Class A, B or C crime was committed with the intent to facilitate a chapter 11 crime, and the person is convicted of both the offense that facilitated the chapter 11 crime and the chapter 11 crime, the court may sentence the person to serve the terms of imprisonment consecutively.’

SUMMARY

This amendment replaces the bill and clarifies the intent by moving the new sentencing provisions proposed in the bill to the more appropriate sections of the Maine Revised Statutes, Title 17-A, sections 1252 and 1256. The amendment makes the ability to impose consecutive sentences discretionary instead of mandatory. The amendment also makes technical language changes to conform to the Maine Criminal Code.

FISCAL NOTE REQUIRED
(See attached)