

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

## **An Act To Authorize the Resentencing of Certain Prisoners Who Have Served Consecutive Sentences of 20 or More Years**

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

**Sec. 1. 17-A MRS §1160** is enacted to read:

### **§ 1160. Petition for resentencing after serving 20 or more consecutive years in prison**

1. Notwithstanding any provision of law to the contrary, a person who has been convicted of and received a definite or aggregate sentence for one or more crimes and who has been incarcerated under that sentence for a period of 20 or more consecutive years may petition the sentencing court for resentencing.

2. The sentencing court may resentence the person described under subsection 1 if the court finds that:

A. There is a release plan for the person described under subsection 1; and

B. The person described under subsection 1 has demonstrated rehabilitation and possesses the ability to lead a positive and productive life.

3. At any hearing held for the purpose of determining a petition for resentencing under this section, the sentencing court shall allow the person described under subsection 1 to present testimony and witnesses concerning the petition for resentencing. The court shall provide notice of the hearing to interested parties and shall allow the participation of interested parties, including but not limited to:

A. The victim of a crime for which the person described under subsection 1 is incarcerated. For purposes of this paragraph, "victim" means the victim, the legal representative of the victim or a member of a deceased victim's immediate family;

B. The person described under subsection 1 and members of that person's family; and

C. Personnel from the correctional facility in which the person described under subsection 1 is incarcerated.

4. After hearing and review of a petition under this section, the sentencing court may:

A. Grant the petition and:

(1) Suspend any portion of the sentence not yet served;

(2) Sentence the person to a period of probation that may correspond to the amount of time by which the sentence is reduced;

(3) Sentence the person to a period of supervised release; or

(4) Impose any other conditions that the court determines appropriate; or

B. Deny the petition.

5. In granting or denying a petition filed pursuant to this section, the court shall issue its findings upon which its decision is based.

6. If the sentencing court denies a petition for resentencing filed pursuant to this section, the person described under subsection 1 may petition the court for resentencing after one year has elapsed from the date of the court's denial.

## **SUMMARY**

This bill authorizes a sentencing court to grant a petition for resentencing that is filed by a person who has served a term of imprisonment of 20 consecutive years or more.