

## 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

**Legislative Document** 

No. 1756

H.P. 1250

House of Representatives, May 21, 2019

An Act To Improve Public Safety through Coordinated Reentry of Prisoners into the Community

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

ROBERT B. HUNT

Presented by Representative TALBOT ROSS of Portland.
Cosponsored by Senator DESCHAMBAULT of York and
Representatives: BAILEY of Saco, EVANGELOS of Friendship, MADIGAN of Waterville,
MORALES of South Portland, TUELL of East Machias, WARREN of Hallowell, Senators:
CARPENTER of Aroostook, MOORE of Washington.

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

Sec. 1. 34-A MRSA §1206-B is enacted to read:

## §1206-B. Reentry agreements

- 1. Agreements with state agencies. The commissioner shall negotiate joint working agreements with the Department of Health and Human Services, the Department of Labor, the Department of Education and other appropriate state agencies to ensure that prisoners and juvenile clients receive coordinated assistance with reentry and receive all the services and benefits for which they are eligible upon their release into the community.
- 2. Agreements with federal and community agencies. The commissioner may negotiate agreements with appropriate federal agencies and community agencies as defined in section 1206, subsection 1, paragraph B to provide prisoners and juvenile clients additional assistance with reentry and with the receipt of services and benefits upon their release into the community.
- **Sec. 2. 34-A MRSA §3036-A, sub-§2, ¶B,** as amended by PL 2001, c. 141, §1, is further amended to read:
  - B. A prisoner may not be transferred to supervised community confinement until the prisoner has served at least 2/3 of the term of imprisonment imposed or, in the case of a split sentence, at least 2/3 of the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, section 1253 if the term of imprisonment or, in the case of a split sentence, the unsuspended portion is more than 5 years. A prisoner may not be transferred to supervised community confinement until the prisoner has served at least 1/2 of the term of imprisonment imposed or, in the case of a split sentence, at least 1/2 of the unsuspended portion after consideration of any deductions that the prisoner has received and retained under Title 17-A, section 1253 if the term of imprisonment or, in the case of a split sentence, the unsuspended portion is 5 years or less.
- **Sec. 3. 34-A MRSA §3036-A, sub-§2, ¶C,** as amended by PL 2007, c. 240, Pt. ZZZ, §2, is further amended to read:
  - C. Except as provided in paragraph C-1, a A prisoner may not be transferred to supervised community confinement unless the prisoner has no more than 18 36 months remaining on the term of imprisonment or, in the case of a split sentence, on the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, section 1253.
- Sec. 4. 34-A MRSA §3036-A, sub-§2, ¶C-1, as enacted by PL 2003, c. 711, Pt. A, §22 and affected by Pt. D, §2, is repealed.
- Sec. 5. 34-A MRSA §3061, sub-§1, as amended by PL 2017, c. 148, §7, is further amended to read:

1. Transfer. The commissioner may transfer any client from one correctional or detention facility or program, including prerelease centers, work release centers, halfway houses, sober houses, transitional housing, reentry programs, supervised community confinement or specialized treatment facilities, to another. A juvenile may not be transferred to another facility or program for adult offenders and an adult offender may not be transferred to another facility or program for juveniles, except that an adult offender may be housed in the Long Creek Youth Development Center or the Mountain View Correctional Facility pursuant to section 4117 or Title 17-A, section 1259.

9 SUMMARY

This bill requires the Commissioner of Corrections to enter into agreements with other state agencies to ensure that prisoners and juvenile clients receive coordinated assistance with reentry and receive services and benefits upon release into the community. It also authorizes the commissioner to enter into similar agreements with federal agencies and community agencies.

Under current law, the amount of time a prisoner must serve prior to being transferred to supervised community confinement is based on the term of imprisonment. The bill removes that distinction.

The bill removes a provision of law providing that if the commissioner determines that the average statewide probation case load is no more than 90 probationers to one probation officer, a prisoner may be transferred to supervised community confinement if the prisoner has no more than 2 years remaining on the term of imprisonment or unsuspended portion of a split sentence.

Under current law, the commissioner may transfer any client from one correctional or detention facility or program to another. The bill adds sober houses, transitional housing and reentry programs to the list of such facilities in current law.