

§2305. Deductions from sentence of imprisonment for time detained

1. Deductions for detention permitted. An individual sentenced to imprisonment who has been detained for the conduct for which that sentence is imposed while awaiting trial, during trial, post-trial while awaiting sentencing or post-sentencing prior to the date on which the sentence commenced either to await transportation to the place of imprisonment specified or pursuant to court order, and not in execution of any other sentence of confinement, must receive a day-for-day deduction from the total term of imprisonment required under that sentence if that individual is detained in:

A. This State in a correctional facility, mental health institute or jail or in any local lockup; or [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. Another jurisdiction in a federal, state or county institution, local lockup or similar facility, including any detention resulting from being a fugitive from justice, as defined by Title 15, section 201, subsection 4, unless the individual has simultaneously been detained for non-Maine conduct. [PL 2019, c. 113, Pt. A, §2 (NEW).]

For the purpose of calculating the day-for-day deduction specified by this subsection, "day" means 24 hours, except that for an individual who commits a crime on or after October 15, 2011, who has been detained for the conduct for which the individual is sentenced to a term of imprisonment of 96 hours or less, any portion of a day detained short of 24 hours must also be deducted from the total term of imprisonment required under that sentence.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Deductions for detention not permitted. An individual who, in addition to being detained pursuant to subsection 1, has been simultaneously detained for conduct for which the individual is sentenced to a consecutive sentence may not receive a day-for-day deduction from the consecutive sentence for the period of simultaneous detention except for any period of detention that is longer than the total term of imprisonment required under the sentence to be served prior to the consecutive sentence.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Timing of application of deductions. The total term required under a sentence of imprisonment is reduced by the total deduction under this section prior to applying any of the other deductions specified in this chapter or in Title 30-A, section 1606.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Additional deduction when warranted for crime committed on or after August 1, 2004 and before October 1, 2021. An individual may receive a deduction of up to 2 days per calendar month in addition to the day-for-day deduction provided pursuant to subsection 1 if:

A. The individual commits a crime on or after August 1, 2004 and before October 1, 2021 and is sentenced to a term of imprisonment for that crime; and [PL 2021, c. 330, §7 (AMD).]

B. The individual is entitled to a day-for-day deduction pursuant to subsection 1 and the individual's conduct during that period of detention is such that the additional deduction is determined to be warranted in the discretion of the chief administrative officer of the facility in which the individual has been detained. [PL 2019, c. 113, Pt. A, §2 (NEW).]

Deductions under this subsection must be calculated as follows for partial calendar months:

Days of partial month	Maximum deduction available
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1 to 15 days	up to 1
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16 to 31 days	up to 2
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[PL 2021, c. 330, §7 (AMD).]

4-A. Additional deduction when warranted for crime committed on or after October 1, 2021.

An individual may receive a deduction of up to 4 days per calendar month in addition to the day-for-day deduction provided pursuant to subsection 1 if:

A. The individual commits a crime on or after October 1, 2021 and is sentenced to a term of imprisonment for that crime; and [PL 2021, c. 330, §8 (NEW).]

B. The individual is entitled to a day-for-day deduction pursuant to subsection 1 and the individual's conduct during that period of detention is such that the additional deduction is determined to be warranted in the discretion of the chief administrative officer of the facility in which the individual has been detained. [PL 2021, c. 330, §8 (NEW).]

Deductions under this subsection must be calculated as follows for partial calendar months:

Days of partial month	Maximum deduction available
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1 to 7 days	up to 1
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8 to 15 days	up to 2
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16 to 23 days	up to 3
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24 to 31 days	up to 4
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[PL 2021, c. 330, §8 (NEW).]

5. Deduction for detention may not be withdrawn. A deduction for detention to which the individual is entitled may not be withdrawn.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

6. Transporter's duty to provide statement of time detained. The sheriff or the sheriff's designee shall furnish to the administrator of the facility to which the individual is being delivered and the attorney for the State, within 30 days of delivery, a statement showing the length of that detention. The administrator shall use the statement furnished to determine the day-for-day deduction to which the individual is entitled pursuant to subsections 1, 4 and 4-A, if any, unless, within 15 days of its receipt, the attorney for the State furnishes a revised statement to the administrator.

[PL 2021, c. 330, §9 (AMD).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW). PL 2021, c. 330, §§7-9 (AMD).

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