



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 382

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H.P. 257

House of Representatives, February 12, 2013

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**An Act Regarding the Period of Time for Which an Incarcerated  
Person Is Eligible To Earn Good Time**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CASAVANT of Biddeford.  
Cosponsored by Senator TUTTLE of York and  
Representatives: BOLAND of Sanford, CHAPMAN of Brooksville, DION of Portland,  
KUMIEGA of Deer Isle, ROCHELO of Biddeford, RUSSELL of Portland.

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

2 **Sec. 1. 17-A MRSA §1253, sub-§2, ¶B** is enacted to read:

3 B. For any person who commits a crime on or after October 1, 2013, is subsequently  
4 sentenced to a term of imprisonment for that crime and is entitled to receive a day-  
5 for-day deduction pursuant to this subsection, up to 4 additional days per calendar  
6 month may be credited to that deduction if the person's conduct during that period of  
7 detention was such that the credit is determined to be warranted in the discretion of  
8 the chief administrative officer of the facility in which the person has previously been  
9 detained. Credits under this paragraph must be calculated as follows for partial  
10 calendar months:

<u>Days of partial month</u>	<u>Maximum good time credit available</u>
<u>1 to 7 days</u>	<u>up to 1</u>
<u>8 to 15 days</u>	<u>up to 2</u>
<u>16 to 23 days</u>	<u>up to 3</u>
<u>24 to 31 days</u>	<u>up to 4</u>

16 The sheriff or other person required to furnish a statement showing the length of  
17 detention shall also furnish a statement showing the number of days credited pursuant  
18 to this paragraph.

19 Detention awaiting trial, during trial, post-trial awaiting sentencing or post-sentencing  
20 prior to the date on which a sentence commences to run is not punishment.

21 This paragraph supersedes paragraph A for persons who commit offenses on or after  
22 October 1, 2013.

23 **Sec. 2. 17-A MRSA §1253, sub-§6,** as enacted by PL 1983, c. 456, §8, is  
24 amended to read:

25 **6.** Any portion of the time deducted from the sentence of any person pursuant to  
26 subsection 3 ~~or~~, 3-B or 11-A may be withdrawn by the supervising officer of the  
27 institution for the infraction of any rule of the institution, for any misconduct or for the  
28 violation of any law of the State. The withdrawal of deductions may be made at the  
29 discretion of the institution head, in accordance with policies and guidelines established  
30 by the Department of Corrections, who may restore any portion thereof if the person's  
31 later conduct and outstanding effort warrant that restoration.

32 **Sec. 3. 17-A MRSA §1253, sub-§6-A,** as amended by PL 2003, c. 711, Pt. A,  
33 §16, is further amended to read:

34 **6-A.** When a judgment of conviction involving a term of imprisonment is vacated  
35 or a sentence involving a term of imprisonment is revised or reviewed and a new sentence  
36 involving a term of imprisonment is thereafter imposed upon the person for the same  
37 offense, day-for-day credit must be accorded on the new sentence both for each day the  
38 person served in execution of the initial sentence and for all previously earned deductions  
39 specified in subsections 4, 5, 8, 9 and 10 and Title 30-A, section 1606. Prior to the day-  
40 for-day credit being given on the new sentence, the new sentence must, after first having

1 been reduced by any deductions specified in subsection 2 previously or subsequently  
2 received, have applied to it the controlling deduction specified in either subsection 3 ~~or~~,  
3 3-B or 11-A, if applicable.

4 **Sec. 4. 17-A MRSA §1253, sub-§7**, as amended by PL 2003, c. 711, Pt. A, §17,  
5 is further amended to read:

6 **7.** Notwithstanding the fact that subsections 3, 3-B ~~and~~, 4, 11-A and 11-B directly  
7 address only persons who are committed to the custody of the Department of Corrections,  
8 they apply also to persons who are committed to the custody of a sheriff. Subsection 5  
9 and subsection 10, paragraph B do not apply to persons who are committed to the custody  
10 of a sheriff.

11 **Sec. 5. 17-A MRSA §1253, sub-§11-A** is enacted to read:

12 **11-A.** For a person who commits a crime on or after October 1, 2013 and is  
13 subsequently sentenced to a term of imprisonment for that crime, subsections 3 and 3-B  
14 apply.

15 **Sec. 6. 17-A MRSA §1253, sub-§11-B** is enacted to read:

16 **11-B.** For a person who commits a crime on or after October 1, 2013 and is  
17 subsequently sentenced to a term of imprisonment for that crime, subsections 4 and 5  
18 apply, as limited by subsection 7.

19 **Sec. 7. 17-A MRSA §1253, sub-§13**, as enacted by PL 2003, c. 711, Pt. A, §18,  
20 is amended to read:

21 **13.** If a court imposes a sentencing alternative pursuant to section 1152 that  
22 includes a term of imprisonment, in setting the appropriate length of that term, as well as  
23 an unsuspended portion of that term, if any, the court may not consider the potential  
24 impact of deductions under subsections 2, 3, 3-B, 4, 5, 8, 9 ~~and~~, 10, 11-A and 11-B  
25 except in the context of a plea agreement in which both parties are recommending to the  
26 court a particular disposition under the Maine Rules of Criminal Procedure, Rule 11-A.

27 **Sec. 8. 17-A MRSA §1253, sub-§14**, as enacted by PL 2007, c. 102, §5, is  
28 amended to read:

29 **14.** The Commissioner of Corrections or the sheriff of the county jail may establish  
30 policy and guidelines for crediting hours of participation in work in excess of 8 hours in a  
31 day toward another day for the purpose of calculating deductions from a sentence under  
32 subsections 4, 5, 8 ~~and~~, 10, 11-A and 11-B.

33 **Sec. 9. 17-A MRSA §1253, sub-§15** is enacted to read:

34 **15.** Subsections 11-A and 11-B supersede subsections 8, 9 and 10 for persons who  
35 commit offenses on or after October 1, 2013.

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## SUMMARY

This bill increases the amount of good time that may be deducted from a person's sentence for a crime committed on or after October 1, 2013. The bill applies deductions enacted by Public Law 1983, chapter 456 to persons who commit crimes on or after October 1, 2013. The bill makes no distinction as to the type of crime the person committed. The bill also includes a deduction of good time for a person's good conduct during detention, which was first enacted by Public Law 2003, chapter 711, but the bill doubles the maximum prior amount from 2 days to 4.