



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1565

H.P. 1150

House of Representatives, May 11, 2011

An Act To Give Judges Greater Flexibility When Sentencing Defendants Convicted of Murder

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CELLI of Brewer.
Cosponsored by Senator BRANNIGAN of Cumberland and
Representatives: COTTA of China, CROCKETT of Bethel, FOSSEL of Alna, HASKELL of
Portland, HINCK of Portland, KESCHL of Belgrade, LOVEJOY of Portland, ROSEN of
Bucksport.

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

2 **Sec. 1. 17-A MRSA §1251**, as amended by PL 2005, c. 88, Pt. B, §1, is further
3 amended by adding at the end a new paragraph to read:

4 The court may sentence a person convicted of the crime of murder to life in prison
5 based on the aggravating circumstance of that person's extreme mistreatment of the body
6 of the victim after the death of the victim.

7 **SUMMARY**

8 The Maine Revised Statutes, Title 17-A, section 1251 provides that a person
9 convicted of the crime of murder must be sentenced to imprisonment for life or for any
10 term of years that is not less than 25 years. The Supreme Judicial Court in the case of
11 State v. Shortsleeves, 580 A.2d 145 (Me. 1990) held that a life sentence may not be
12 imposed unless there are aggravating circumstances and set forth a list of aggravating
13 circumstances that would justify a life sentence.

14 This bill adds an aggravating circumstance to those set forth in the Shortsleeves
15 decision that would justify a life sentence. The bill provides that the court may sentence
16 a person convicted of the crime of murder to life in prison based on the aggravating
17 circumstance of that person's extreme mistreatment of the body of the victim after the
18 death of the victim.

19 This bill is in response to the sentencing in Cumberland County Superior Court of
20 Chad Gurney for the murder of Zoe Sarnacki in the case of State v. Gurney, docket
21 number CUMCD - CR - 2009 - 4017.