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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
SENATE  
128TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 40, L.D. 92, Bill, “An Act To Require a Person Who Provides Illegal Drugs To Give Medical Aid to Another Person in Medical Distress Due to That Illegal Drug Transaction”

Amend the bill by striking out the title and substituting the following:

**'An Act To Add an Aggravating Factor in Sentencing for Furnishing Scheduled Drugs and Trafficking in Scheduled Drugs'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'Sec. 1. 17-A MRSA §1252, sub-§10** is enacted to read:

**10. In using a sentencing alternative involving a term of imprisonment for a person convicted of unlawful furnishing of a scheduled drug in which death was in fact caused by the use of the scheduled drug or unlawful trafficking in a scheduled drug in which death was in fact caused by the use of the scheduled drug, a court shall assign special weight to this objective fact in determining the basic term of imprisonment as the first step in the sentencing process.'**

**SUMMARY**

This amendment is the minority report of the committee. The amendment replaces the bill and changes the title. The amendment provides that in using a sentencing alternative involving a term of imprisonment for a person convicted of unlawful furnishing of a scheduled drug in which death was in fact caused by the use of the scheduled drug or unlawful trafficking in a scheduled drug in which death was in fact caused by the use of the scheduled drug, a court must assign special weight to this objective fact in determining the basic term of imprisonment as the first step in the sentencing process.

**COMMITTEE AMENDMENT**