

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

### **SUMMARY**

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

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

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