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An Act To Amend the Deferred Disposition Law As It Pertains to Sex Offenses

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

Sec. 1. 17-A MRSA §1348, as amended by PL 2005, c. 527, §21, is repealed and the following enacted in its place:

§ 1348. Eligibility for deferred disposition

1. Except as provided in subsection 2, a person who has pled guilty to a Class C, Class D or Class E crime and who consents to a deferred disposition in writing is eligible for a deferred disposition.

2. Deferred disposition may not be used as a sentencing alternative for a person who has pled guilty to any of the following Class C, Class D or Class E crimes: a crime under chapter 11; a crime under section 556; a crime under section 854, excluding subsection 1, paragraph A, subparagraph (1); a crime under chapter 12; or a crime against a family or household member under chapter 9 or 13 or section 506-B, 554, 555 or 758.

SUMMARY

This bill eliminates the sentencing alternative of deferred disposition for persons who are guilty of committing the following Class C, Class D or Class E crimes: sexual assault; sexual exploitation of minors; incest; certain crimes of indecent conduct; and crimes against family members, including sexual assault, kidnapping and criminal restraint, violating a protective order, endangering the welfare of a child or a dependent person and obstructing the report of a crime or injury.