



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1359

H.P. 873

House of Representatives, March 28, 2023

**An Act to Provide an Opportunity for Resentencing for Individuals
Who Were Sentenced for Crimes Committed as Juveniles**

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

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative WARREN of Scarborough.
Cosponsored by Representatives: BOYER of Poland, MILLIKEN of Blue Hill, PLUECKER of Warren, RANA of Bangor, SKOLD of Portland.

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

2 **Sec. 1. 15 MRSA §3207** is enacted to read:

3 **§3207. Juveniles convicted as adults**

4 Notwithstanding any provision of law to the contrary, the provisions of this section
5 apply to a juvenile convicted as an adult.

6 **1. Sentencing conditions.** When sentencing a juvenile convicted as an adult, a court:

7 A. May impose a sentence less than the minimum sentence required; and

8 B. May not impose a sentence of imprisonment for life without the possibility of parole
9 or early release.

10 **2. Motions for reduction of sentence.** A convicted minor may file a motion with the
11 court pursuant to this subsection to reduce the duration of the sentence imposed for an
12 offense committed by that convicted minor.

13 A. As used in this subsection, unless the context otherwise indicates, the following
14 terms have the following meanings.

15 (1) "Convicted minor" means an individual who:

16 (a) Was sentenced as an adult for an offense that was committed while the
17 individual was a juvenile;

18 (b) Was sentenced for the offense prior to October 1, 2023; and

19 (c) Has been imprisoned for at least 20 years for the offense.

20 (2) "Motion" means a motion filed by a convicted minor to reduce the duration of
21 a sentence imposed for an offense committed by that convicted minor while a
22 juvenile.

23 (3) "Offense" means the crime that the convicted minor committed for which the
24 convicted minor was sentenced as an adult.

25 B. The court shall conduct a hearing on a motion filed pursuant to this subsection in
26 accordance with this paragraph.

27 (1) The convicted minor has the right to be present at the hearing unless the
28 convicted minor waives the right to be present. The requirements of this
29 subparagraph may be satisfied by attendance by video conference.

30 (2) The convicted minor may introduce evidence in support of the motion at the
31 hearing.

32 (3) The State may introduce evidence in support or opposition of the motion at the
33 hearing.

34 C. After a hearing conducted pursuant to paragraph B, the court may reduce the
35 duration of the sentence of a convicted minor in accordance with this paragraph.

36 (1) The court may reduce the duration of the sentence of a convicted minor only if
37 the court determines that:

38 (a) The convicted minor is not a danger to the public; and

- 1 (b) The interests of justice will be better served by a reduced sentence.
- 2 (2) In making the determination pursuant to subparagraph (1), the court shall
3 consider the following factors:
- 4 (a) The convicted minor's age at the time of the offense;
- 5 (b) The nature of the offense and the history and character of the convicted
6 minor;
- 7 (c) Whether the convicted minor has substantially complied with the rules of
8 the institution in which the convicted minor has been confined;
- 9 (d) Whether the convicted minor has completed an educational, vocational or
10 other program;
- 11 (e) Whether the convicted minor has demonstrated maturity, rehabilitation and
12 fitness to reenter society sufficient to justify a reduced sentence;
- 13 (f) Any statement offered by a victim of the offense, or the victim's
14 representative;
- 15 (g) Any report of a physical, mental or behavioral examination of the convicted
16 minor conducted by a health professional;
- 17 (h) The convicted minor's family and community circumstances at the time of
18 the offense, including any history of trauma, abuse or involvement in the child
19 welfare system;
- 20 (i) The extent of the convicted minor's role in the offense and whether and to
21 what extent an adult was involved in the offense;
- 22 (j) The diminished culpability of a juvenile as compared to an adult, including
23 an inability to fully appreciate risks and consequences; and
- 24 (k) Any other factor the court considers relevant.

25 The court shall issue in writing its decision to grant or deny the motion, including
26 addressing the factors listed in subparagraph (2).

27 D. Further motions for a reduced sentence are limited by this paragraph.

- 28 (1) If the court grants in part the motion or denies the motion, the convicted minor
29 may not file a 2nd motion pursuant to this subsection for at least 3 years.
- 30 (2) If the court grants in part the motion or denies a 2nd motion filed pursuant to
31 this subsection, the convicted minor may not file a 3rd motion pursuant to this
32 subsection for at least 3 years.
- 33 (3) A convicted minor may not file a 4th motion pursuant to this subsection.

34 **Sec. 2. Effective date.** This Act takes effect October 1, 2023.

35 **SUMMARY**

36 This bill, based on Maryland's Juvenile Restoration Act, provides for modifications in
37 the sentencing of juveniles convicted as adults, including:

- 38 1. Allowing the court to impose a sentence that is less than the minimum term required
39 by law;

- 1 2. Prohibiting the sentence of life without the possibility of early release; and
- 2 3. For juveniles convicted as adults who were sentenced prior to October 1, 2023 and
- 3 who have been imprisoned for at least 20 years, providing an opportunity to request a
- 4 sentence reduction, even if the original motion for modification of sentence was denied.