

Commission to Examine the Intersection of Parole and Current Sentencing Practices

Meeting Agenda

Monday, October 26, 2026

10:00a.m. – 4:00p.m.

Maine State House, Room 438 (JUD) and via Zoom

Streaming: <https://legislature.maine.gov/Audio/#438>

1. Welcome and Introductions
 - Senator Rachel Talbot Ross, Senate Chair
 - Representative Adam Lee, House Chair
2. Input from Victim Services
 - Andrea Mancuso, Francine Garland Stark – MCEDV
 - Elizabeth Ward Saxl – MECASA
 - Cara Cookson – Office of the Attorney General
3. Background on States that Have Reestablished Parole
 - Office of Policy and Legal Analysis, Staff
4. Update from Maine Department of Corrections
 - Department of Corrections
5. Lunch
6. Presentation on Sentencing Application from Judicial Branch
 - Hon. Justice Julia Lipez
7. Presentation on Experience Within DOC programs
 - Christopher Laliberte
 - Brandon Brown
 - Victoria Scott
8. Discussion and Planning for Next Meeting, Begin Discussion of Recommendations

Future Meetings

- Thursday, October 29 10:00 a.m., (State House Room 438)

Additional information and materials are available on the Committee's webpage at:
<https://legislature.maine.gov/intersection-of-parole-and-current-sentencing-practices-commission>

OPLA RESEARCH REQUEST MEMO

To: Members, Commission to Examine the Intersection of Parole and Current Sentencing Practices
From: OPLA Staff
Date: October 26, 2026
RE: States Reestablishing Parole

The systems of parole across the United States are varied both in their application, as well as eligibility requirements and as a result, each state has a different format. So too is the varied way in which states have abolished, and subsequently reestablished parole. Below are four states, CA, CO, CT and MS, that abolished discretionary parole, and the ways in which it was reestablished, at least in part. Additionally, some states, FL and VA, have more recently debated legislation seeking to reestablish parole, much in the way that Maine is, and one state, LA, has abolished parole in 2024.

States that abolished parole and then reinstated it

- **California** eliminated most discretionary release decisions by the parole board in 1977. In 2016, voters passed Proposition 57, which gave the parole board more discretion in granting parole for non-violent offenders who had served the full-term of their sentence for their primary offense and who demonstrated their release would not be a threat to the community. Prop 57 largely included provisions for juvenile offenders, but included an amendment to the California constitution that provided for eligibility for parole for persons who committed a nonviolent felony offense after serving the full term of their primary offense. (see attached)
- **Colorado** - Discretionary parole release was abolished in Colorado in 1979, but reestablished in 1985 in legislation that doubled the maximum authorized sentences for most felonies. In 1993, House Bill 93-1302 created mandatory parole for all inmates released from prison who committed a crime on or after July 1, 1993. Depending on the type of felony the inmate was convicted of, mandatory parole can last either one to five years. (see attached)

Under current Colorado law, any person sentenced for a class 2, class 3, class 4, class 5, or class 6 felony, or a level 1, level 2, level 3, or level 4 drug felony, or any unclassified felony is eligible for parole after such person has served fifty percent of the sentence imposed upon such person, less any time authorized for earned time granted. Any person convicted and sentenced for second degree murder, first degree assault, first degree kidnapping unless the first-degree kidnapping is a class 1 felony, first or second-degree sexual assault, first degree arson, first degree burglary, or aggravated robbery is eligible for parole after such person has served seventy-five percent of the sentence imposed upon such person, less any time authorized for earned time granted.

- **Connecticut** - Connecticut ended discretionary parole release in 1981, but reestablished parole in 1993 for those individuals sentenced to at least three years in prison. Under current law, inmates who are sentenced to more than two years in prison can generally be considered for release from prison on parole. Inmates convicted of non-violent crimes are generally eligible for parole after serving 50% of their sentence less any risk reduction credits. Inmates who committed violent crimes, home invasion, or 2nd degree burglary are generally eligible for parole after serving 85% of their sentence less any risk reduction credits. Those convicted of the following crimes are not eligible for parole: capital felony, murder with special circumstances, felony murder, arson murder, murder, and 1st degree aggravated sexual assault (CGS § 54-125a(a), (b)). For further explanation of Connecticut's parole law, please see Office of Legislative Research Report, Laws Governing Parole, November 2018.
- **Mississippi** - Mississippi eliminated discretionary parole release in 1995, but reestablished parole in 2000. The Legislature adopted an "85 percent rule" which mandated that all state prisoners must serve at least 85 percent of their sentences before being eligible for parole, even for individuals who had committed a violent offense. In 2014, the legislature passed House Bill 585, bill which requires individuals convicted of a violent offense to serve at least 50 percent of a sentence, and anyone convicted of a nonviolent offense to serve at least 25 percent of a sentence before being eligible for parole. (Please also see "Practioner Guide to HB 585 Mississippi Corrections and Criminal Justice Task Force").

In 2021, Mississippi enacted SB 2795, the "Mississippi Earned Parole and Eligibility Act", which took effect on July 1, 2021. This law amended the parole law to change the eligibility requirement for nonviolent offenders to 25% of the sentence served or a maximum of 10 years, whichever is less. Violent offenders are required to serve at least 50 percent of their sentence or a maximum of 20 years, whichever is less. The law also allows people convicted of armed robbery to become eligible for a parole hearing after serving 60% of their sentences.

Other States Actions on Parole

- **Florida** - The Florida Legislature abolished discretionary parole release for most offenders in 1983 when it enacted determinate sentencing requirements. Florida's parole board still exercises parole authority over offenders whose crimes occurred prior to October 1, 1983 by making release decisions and retaining revocation authority for offenders under parole supervision.

Under current Florida law, inmates must serve a mandatory 85% of their sentence before they are eligible for parole.

The Florida Legislature considered HB 69 during its 2021 session. The bill proposed to require that the parole board consider an inmate's institutional achievements, lack of disciplinary reports, and all indications of the lack of risk to the public in its decision to parole an inmate from the incarceration portion of the inmate's sentence. The bill also proposed that the parole board partner with the Department of Corrections (DOC) to jointly develop a voluntary long-term inmate program for parole-eligible male and female inmates to prepare such inmates for reintegration into the community. The long-term inmate program would have provided evidence-based programming to inmates who were within three years of their presumptive parole release date. Inmates who had subsequently received a parole-ineligible sentence would be considered for participation in the long-term inmate program on a case-by-case basis. The bill died in committee.

In the 2026 session, the Florida Legislature considered SB 614, which proposed allowing for parole eligibility for certain inmates who are serving long-term prison sentences under certain circumstances. The bill included retroactive application. The bill died in committee.

- **Virginia** – In 1994, the Legislature abolished discretionary parole release for felony offenses committed on or after January 1, 1995. Inmates must serve at least 85% of a non-mandatory felony sentence in a state and/or local correctional facility with the ability to earn good-time credits toward an early release date.

HB35 (2020) as enacted in 2020 and granted parole eligibility to those in Virginia prisons who were under the age of 18 at the time they committed their crimes. The law also banned sentencing youths to life without the possibility of parole.

SB 1370 was considered by the Virginia Legislature in the 2021 session. The bill proposed to repeal the abolition of parole and to require the Virginia Parole Board to establish procedures for consideration of parole for persons who were previously ineligible for parole and to allow for an extension of time for the scheduling of a parole interview for reasonable cause. The bill died in committee.

In 2026 Virginia passed two notable laws relating to parole. HB 193 provided parole eligibility for individuals sentenced after the Supreme Court of Virginia decision in *Fishback v. Commonwealth*, 260 Va. 104 (2000), where the court held that a jury should be instructed on the fact that parole has been abolished, and parole should be available in those instances where a jury was not instructed of that fact at sentencing. HB 318 requires the parole board to provide a meaningful opportunity for release to certain juvenile offenders eligible for parole and specifies various factors the board shall give substantial weight to when making a determination, such as age of the juvenile offender and evidence of maturity, rehabilitation, and a lack of present danger to public safety since the time of the offense.

- **Louisiana** – In 2024 Louisiana passed HB 9, and became the 17th state since 1976, and the first since 2000 to eliminate discretionary parole.

Prevention Tobacco Tax Act of 2016 Fund created by the California Healthcare, Research and Prevention Tobacco Tax Act of 2016. No adjustment in the appropriations limit of any entity of government shall be required pursuant to Section 3 as a result of revenue being deposited in or appropriated from the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 Fund.

SEC. 7. Severability.

If the provisions of this act, or part thereof, are for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect and to this end the provisions of this act are severable.

SEC. 8. Conflicting Measures.

(a) It is the intent of the people that in the event that this measure and another measure relating to the taxation of tobacco shall appear on the same statewide election ballot, the provisions of the other measure or measures shall not be deemed to be in conflict with this measure, and if approved by the voters, this measure shall take effect notwithstanding approval by the voters of another measure relating to the taxation of tobacco by a greater number of affirmative votes.

(b) If this measure is approved by the voters but superseded by law by any other conflicting ballot measure approved by the voters at the same election, and the conflicting measure is later held invalid, this measure shall be self-executing and given the full force of law.

SEC. 9. Amendments.

(a) Except as hereafter provided, this act may only be amended by the electors as provided in subdivision (c) of Section 10 of Article II of the California Constitution.

(b) The Legislature may amend subdivisions (a) and (c) of Section 30130.55 and Section 30130.57 of the Revenue and Taxation Code to further the purposes of the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 by a statute passed in each house by roll-call vote entered in the journal, two-thirds of the membership concurring.

(c) The Legislature may amend subdivision (b) of Section 30130.55 of the Revenue and Taxation Code to further the purposes of the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 by a statute passed in each house by roll-call vote entered in the journal, four-fifths of the membership concurring.

SEC. 10. Effective Date.

This act shall become effective as provided in subdivision (a) of Section 10 of Article II of the California Constitution; provided, however, the amendment to Section 30121 of the Revenue and Taxation Code shall become effective April 1, 2017.

PROPOSITION 57

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure adds a section to the California Constitution and amends sections of the Welfare and Institutions Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

The Public Safety and Rehabilitation Act of 2016

SECTION 1. Title.

This measure shall be known and may be cited as "The Public Safety and Rehabilitation Act of 2016."

SEC. 2. Purpose and Intent.

In enacting this act, it is the purpose and intent of the people of the State of California to:

1. Protect and enhance public safety.
2. Save money by reducing wasteful spending on prisons.
3. Prevent federal courts from indiscriminately releasing prisoners.
4. Stop the revolving door of crime by emphasizing rehabilitation, especially for juveniles.
5. Require a judge, not a prosecutor, to decide whether juveniles should be tried in adult court.

SEC. 3. Section 32 is added to Article I of the California Constitution, to read:

SEC. 32. (a) The following provisions are hereby enacted to enhance public safety, improve rehabilitation, and avoid the release of prisoners by federal court order, notwithstanding anything in this article or any other provision of law:

(1) Parole Consideration: Any person convicted of a nonviolent felony offense and sentenced to state prison shall be eligible for parole consideration after completing the full term for his or her primary offense.

(A) For purposes of this section only, the full term for the primary offense means the longest term of imprisonment imposed by the court for any offense, excluding the imposition of an enhancement, consecutive sentence, or alternative sentence.

(2) Credit Earning: The Department of Corrections and Rehabilitation shall have authority to award credits earned for good behavior and approved rehabilitative or educational achievements.

(b) The Department of Corrections and Rehabilitation shall adopt regulations in furtherance of these provisions, and the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety.

SEC. 4. Judicial Transfer Process.

SEC. 4.1. Section 602 of the Welfare and Institutions Code is amended to read:

~~602. (a) Except as provided in subdivision (b) Section 707, any person who is under 18 years of age when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court.~~

~~(b) Any person who is alleged, when he or she was 14 years of age or older, to have committed one of the following offenses shall be prosecuted under the general law in a court of criminal jurisdiction:~~

~~(1) Murder, as described in Section 187 of the Penal Code, if one of the circumstances enumerated in subdivision (a) of Section 190.2 of the Penal Code is~~

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alleged by the prosecutor, and the prosecutor alleges that the minor personally killed the victim.

(2) The following sex offenses, if the prosecutor alleges that the minor personally committed the offense, and if the prosecutor alleges one of the circumstances enumerated in the One Strike law, subdivision (d) or (e) of Section 667.61 of the Penal Code, applies:

(A) Rape, as described in paragraph (2) of subdivision (a) of Section 261 of the Penal Code.

(B) Spousal rape, as described in paragraph (1) of subdivision (a) of Section 262 of the Penal Code.

(C) Forceful sex offenses in concert with another, as described in Section 264.1 of the Penal Code.

(D) Forceful lewd and lascivious acts on a child under 14 years of age, as described in subdivision (b) of Section 288 of the Penal Code.

(E) Forceful sexual penetration, as described in subdivision (a) of Section 289 of the Penal Code.

(F) Sodomy or oral copulation in violation of Section 286 or 288a of the Penal Code, by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(G) Lewd and lascivious acts on a child under 14 years of age, as defined in subdivision (a) of Section 288, unless the defendant qualifies for probation under subdivision (d) of Section 1203.066 of the Penal Code.

SEC. 4.2. Section 707 of the Welfare and Institutions Code is amended to read:

707. (a) (1) In any case in which a minor is alleged to be a person described in subdivision (a) of Section 602 by reason of the violation, when he or she was 16 years of age or older, of any felony criminal statute, or ordinance except those listed in subdivision (b), or of an offense listed in subdivision (b) when he or she was 14 or 15 years of age, the district attorney or other appropriate prosecuting officer may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. *upon The motion of the petitioner must be made prior to the attachment of jeopardy. Upon such motion, the juvenile court shall cause order the probation officer to investigate and submit a report on the behavioral patterns and social history of the minor, being considered for a determination of unfitness. The report shall include any written or oral statement offered by the victim pursuant to Section 656.2.*

(2) Following submission and consideration of the report, and of any other relevant evidence that the petitioner or the minor may wish to submit, the juvenile court shall decide whether the minor should be transferred to a court of criminal jurisdiction. In making its decision, the court shall consider the criteria specified in subparagraphs (A) to (E). If the court orders a transfer of jurisdiction, the court shall recite the basis for its decision in an order entered upon the minutes. In any case in which a hearing has been noticed pursuant to this section, the court shall postpone the taking of a plea to the petition until the conclusion of the transfer hearing, and no plea that may have been entered already shall constitute evidence at the hearing. may find that the minor is not a fit and proper subject to be dealt with under the juvenile court law if it concludes that the minor would not be amenable to the care, treatment, and training program available through the facilities of the juvenile court, based upon an evaluation of the criteria specified in clause (i) of subparagraphs (A) to (E), inclusive:

(A) (i) The degree of criminal sophistication exhibited by the minor.

(ii) When evaluating the criterion specified in clause (i) the juvenile court may give weight to any relevant factor, including, but not limited to, the minor's age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense, the minor's impetuosity or failure to appreciate risks and consequences of criminal behavior, the effect of familial, adult, or peer pressure on the minor's actions, and the effect of the minor's family and community environment and childhood trauma on the minor's criminal sophistication.

(B) (i) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction.

(ii) When evaluating the criterion specified in clause (i), the juvenile court may give weight to any relevant factor, including, but not limited to, the minor's potential to grow and mature.

(C) (i) The minor's previous delinquent history.

(ii) When evaluating the criterion specified in clause (i), the juvenile court may give weight to any relevant factor, including, but not limited to, the seriousness of the minor's previous delinquent history and the effect of the minor's family and community environment and childhood trauma on the minor's previous delinquent behavior.

(D) (i) Success of previous attempts by the juvenile court to rehabilitate the minor.

(ii) When evaluating the criterion specified in clause (i), the juvenile court may give weight to any relevant factor, including, but not limited to, the adequacy of the services previously provided to address the minor's needs.

(E) (i) The circumstances and gravity of the offense alleged in the petition to have been committed by the minor.

(ii) When evaluating the criterion specified in clause (i), the juvenile court may give weight to any relevant factor, including but not limited to, the actual behavior of the person, the mental state of the person, the person's degree of involvement in the crime, the level of harm actually caused by the person, and the person's mental and emotional development.

A determination that the minor is not a fit and proper subject to be dealt with under the juvenile court law may be based on any one or a combination of the factors set forth in clause (i) of subparagraphs (A) to (E), inclusive, which shall be recited in the order of unfitness. In any case in which a hearing has been noticed pursuant to this section, the court shall postpone the taking of a plea to the petition until the conclusion of the fitness hearing, and no plea that may have been entered already shall constitute evidence at the hearing.

(2) (A) This paragraph shall apply to a minor alleged to be a person described in Section 602 by reason of the violation, when he or she has attained 16 years of age, of any felony offense when the minor has been declared to be a ward of the court pursuant to Section 602 on one or more prior occasions if both of the following apply:

(i) The minor has previously been found to have committed two or more felony offenses;

(ii) The offenses upon which the prior petition or petitions were based were committed when the minor had attained 14 years of age.

CHAPTER 322

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 93-1302

BY REPRESENTATIVES Tucker, Adkins, Agler, Allen, Friednash, George, Kaufman, Lawrence, May, Pankey, Pfiffner, and Ratterree;
also SENATORS Wells, Bird, Casey, Hopper, Johnson, Rizzuto, Traylor, and Wham.

AN ACT

CONCERNING THE RESTRUCTURING OF THE CRIMINAL JUSTICE SYSTEM IN THE STATE OF
COLORADO, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 16-13-101, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

16-13-101. Punishment for habitual criminals. (1) Every person convicted in this state of any CLASS 1, 2, 3, 4, OR 5 felony ~~for which the maximum penalty prescribed by law exceeds five years~~ who, within ten years of the date of the commission of the said offense, has been twice previously convicted upon charges separately brought and tried, and arising out of separate and distinct criminal episodes, either in this state or elsewhere, of a felony or, under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States, of a crime which, if committed within this state, would be a felony shall be adjudged an habitual criminal and shall be punished FOR THE FELONY OFFENSE OF WHICH SUCH PERSON IS CONVICTED by confinement in a correctional facility for a term of ~~not less than twenty-five years nor more than fifty years~~ THREE TIMES THE MAXIMUM OF THE PRESUMPTIVE RANGE PURSUANT TO SECTION 18-1-105, C.R.S., FOR THE CLASS OF FELONY OF WHICH SUCH PERSON IS CONVICTED.

(2) Every person convicted in this state of any felony, who has been three times previously convicted, upon charges separately brought and tried, and arising out of separate and distinct criminal episodes, either in this state or elsewhere, of a felony or, under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States, of a crime which, if committed within this state, would be a felony, shall be adjudged an habitual criminal and shall be punished FOR THE FELONY OFFENSE OF WHICH SUCH PERSON IS CONVICTED by imprisonment in a

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

correctional facility for the A term of his or her natural life FOUR TIMES THE MAXIMUM OF THE PRESUMPTIVE RANGE PURSUANT TO SECTION 18-1-105, C.R.S., FOR THE CLASS OF FELONY OF WHICH SUCH PERSON IS CONVICTED. Such former conviction or convictions and judgment or judgments shall be set forth in apt words in the indictment or information. Nothing in this part 1 shall abrogate or affect the punishment by death in any and all crimes punishable by death on or after July 1, 1972.

(2.5) ANY PERSON WHO IS CONVICTED AND SENTENCED PURSUANT TO SUBSECTION (2) OF THIS SECTION, WHO IS THEREAFTER CONVICTED OF A FELONY WHICH IS A CRIME OF VIOLENCE PURSUANT TO SECTION 16-11-309, SHALL BE ADJUDGED AN HABITUAL CRIMINAL AND SHALL BE PUNISHED BY A TERM OF LIFE IMPRISONMENT. NO PERSON SENTENCED PURSUANT TO THIS SUBSECTION (2.5) SHALL BE ELIGIBLE FOR PAROLE UNTIL SUCH PERSON HAS SERVED AT LEAST FORTY CALENDAR YEARS.

(3) No drug law conviction shall be counted as a prior felony conviction under this section unless such prior offense would be a felony if committed in this state at the time of the commission of the new offense.

SECTION 2. Article 1 of title 17, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

17-1-104.3. Correctional facilities - locations - security level. THE CORRECTIONAL FACILITIES MANAGED, SUPERVISED, AND CONTROLLED BY THE DEPARTMENT PURSUANT TO SECTION 17-1-104, THE LOCATION OF SUCH FACILITIES, AND THE PRIMARY SECURITY LEVEL OF SUCH FACILITIES SHALL BE AS FOLLOWS:

Correctional facility	Location	Security level
COLORADO STATE PENITENTIARY	FREMONT COUNTY	MAXIMUM/AD. SEG.
CENTENNIAL CORRECTIONAL FACILITY	FREMONT COUNTY	CLOSE
LIMON CORRECTIONAL FACILITY	LINCOLN COUNTY	MEDIUM
ARKANSAS VALLEY CORRECTIONAL FACILITY	CROWLEY COUNTY	MEDIUM
BUENA VISTA CORRECTIONAL FACILITY	CHAFFEE COUNTY	MEDIUM
COLORADO TERRITORIAL CORRECTIONAL FACILITY	FREMONT COUNTY	MEDIUM
FREMONT CORRECTIONAL FACILITY	FREMONT COUNTY	MEDIUM

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BUENA VISTA MODULAR UNIT	CHAFFEE COUNTY	MINIMUM RESTRICTIVE
ROWHEAD CORRECTIONAL CENTER	FREMONT COUNTY	MINIMUM RESTRICTIVE
FOUR MILE CORRECTIONAL CENTER	FREMONT COUNTY	MINIMUM RESTRICTIVE
PRE-RELEASE CORRECTIONAL CENTER	FREMONT COUNTY	MINIMUM RESTRICTIVE
SKYLINE CORRECTIONAL CENTER	FREMONT COUNTY	MINIMUM
COLORADO CORRECTIONAL CENTER	JEFFERSON COUNTY	MINIMUM
DELTA CORRECTIONAL CENTER	DELTA COUNTY	MINIMUM
RIFLE CORRECTIONAL CENTER	GARFIELD COUNTY	MINIMUM
COLORADO CORRECTIONAL ALTERNATIVE PROGRAM	CHAFFEE COUNTY	MINIMUM
COLORADO WOMEN'S CORRECTIONAL FACILITY	FREMONT AND PUEBLO COUNTIES	MIXED
DENVER RECEPTION AND GNOSTIC CENTER	CITY AND COUNTY OF DENVER	MIXED

SECTION 3. 17-22.5-104 (1) and (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

17-22.5-104. Parole - regulations. (1) Any inmate in the custody of the department may be allowed to go on parole in accordance with section 17-22.5-403, subject to the provisions and conditions contained in this article and article 2 of this title.

(2) (a) No inmate imprisoned under a life sentence for a crime committed before July 1, 1977, shall be paroled until he SUCH INMATE has served at least ten calendar years, and no application for parole shall be made or considered during such period of ten years.

(b) No inmate imprisoned under a life sentence for a crime committed on or after July 1, 1977, but before July 1, 1985, shall be paroled until he SUCH INMATE has served at least twenty calendar years, and no application for parole shall be made or considered during such period of twenty years.

(c) No inmate imprisoned under a life sentence for a crime committed on or after July 1, 1985, shall be paroled until he SUCH INMATE has served at least forty calendar years, and no application for parole shall be made or considered during such period of forty years.

(d) (I) No inmate imprisoned under a life sentence for a class 1 felony committed on or after July 1, 1990, shall be eligible for parole. No inmate imprisoned under a life sentence pursuant to section 16-13-101 (2), C.R.S., AS IT EXISTED PRIOR TO JULY 1, 1993, for a crime committed on or after July 1, 1990, shall be paroled until such inmate has served at least forty calendar years, and no application for parole shall be made or considered during such period of forty years.

(II) THIS PARAGRAPH (d) SHALL NOT APPLY TO ANY INMATE SENTENCED PURSUANT TO SECTION 16-13-101 (2), C.R.S., FOR ANY CRIME COMMITTED ON OR AFTER JULY 1, 1993, AND ANY SUCH INMATE SHALL BE ELIGIBLE FOR PAROLE IN ACCORDANCE WITH SECTION 17-22.5-403.

(III) NO INMATE IMPRISONED UNDER A LIFE SENTENCE PURSUANT TO SECTION 16-13-101 (2.5), C.R.S., SHALL BE PAROLED UNTIL SUCH INMATE HAS SERVED AT LEAST FORTY CALENDAR YEARS, AND NO APPLICATION FOR PAROLE SHALL BE MADE OR CONSIDERED DURING SUCH PERIOD OF FORTY YEARS.

SECTION 4. 17-22.5-403, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

17-22.5-403. Parole eligibility. (1) Any person sentenced for a class 2, class 3, class 4, class 5, or class 6 felony shall be eligible for parole after he SUCH PERSON has served fifty percent of the sentence imposed upon him SUCH PERSON, less any time authorized for earned time granted pursuant to section 17-22.5-405. However, the date established by this subsection (1) upon which any person shall be eligible for parole may be extended by the executive director for misconduct during incarceration. The executive director shall promulgate rules and regulations concerning when and under what conditions any inmate's parole eligibility date may be extended. Such rules and regulations shall be promulgated in such a manner as to promote fairness and consistency in the treatment of all inmates.

(2) Notwithstanding subsection (1) of this section, any person convicted and sentenced for second degree murder, first degree assault, first degree kidnapping unless the first degree kidnapping is a class 1 felony, first or second degree sexual assault, first degree arson, first degree burglary, or aggravated robbery, which person has previously been convicted of a crime which would have been a crime of violence as defined in section 16-11-309, C.R.S., shall be eligible for parole after he SUCH PERSON has served seventy-five percent of the sentence imposed upon him SUCH PERSON, less any time authorized for earned time granted pursuant to section 17-22.5-405.

(3) Notwithstanding subsection (1) or (2) of this section, any person convicted and sentenced for any crime enumerated in subsection (2) of this section, who has twice previously been convicted for a crime which would have been a crime of violence as defined in section 16-11-309, C.R.S., shall be eligible for parole after he SUCH PERSON has served seventy-five percent of the sentence served upon him SUCH

PERSON, at which time he SUCH PERSON shall be referred by the department to the state board of parole which may place such person on parole for a period of time which does not exceed the time remaining on such person's original sentence. FOR OFFENSES COMMITTED ON OR AFTER JULY 1, 1993, SUCH PERSON SHALL BE PLACED ON PAROLE FOR THE PERIOD OF TIME SPECIFIED IN SECTION 18-1-105 (1) (a) (V), C.R.S. Section 17-22.5-402 (2) shall not apply to any such offender.

(4) The governor may grant parole to an inmate to whom subsection (2) or (3) of this section applies prior to such inmate's parole eligibility date or discharge date if, in the governor's opinion, extraordinary mitigating circumstances exist and such inmate's release from institutional custody is compatible with the safety and welfare of society.

(5) FOR ANY OFFENDER WHO IS INCARCERATED FOR AN OFFENSE COMMITTED PRIOR TO JULY 1, 1993, upon application for parole, the state board of parole, working in conjunction with the department and using the guidelines established pursuant to section 17-22.5-404, shall determine whether or not to grant parole and, if granted, the length of the period of parole. The state board of parole may set the length of the period of parole for any time period up to the date of final discharge as determined in accordance with section 17-22.5-402. If an application for parole is refused by the state board of parole, the state board of parole shall reconsider within one year thereafter whether such inmate should be granted parole. The state board of parole shall continue such reconsideration each year thereafter until such inmate is granted parole or until he SUCH INMATE is discharged pursuant to law.

(6) For persons who are granted parole pursuant to subsection (5) of this section, the division of adult services shall provide parole supervision and assistance in securing employment, housing, and such other services as may affect the successful reintegration of such offender into the community while recognizing the need for public safety. The conditions for parole for any such offender under this subsection (6) shall be established pursuant to section 17-22.5-404 by the state board of parole or to such offender's release from incarceration. Upon a determination that the conditions of parole have been violated in a parole revocation proceeding, the state board of parole shall continue the parole in effect, modify the conditions of parole if circumstances then shown to exist require such modifications, which circumstances shall be set forth in writing, or revoke the parole and order the return of the offender to a place of confinement designated by the executive director for any period of time up to the period remaining on such person's sentence until the discharge date as determined by section 17-22.5-402 or one year, whichever is longer. In computing the period of reincarceration, the time between the offender's release on parole and the revocation of such parole shall not be considered to be part of the term of the sentence. The state board of parole may discharge an offender granted parole under this section at any time during the term of parole upon a determination that the offender has been sufficiently rehabilitated and reintegrated into society and can no longer benefit from parole supervision.

(7) FOR ANY OFFENDER WHO IS INCARCERATED FOR AN OFFENSE COMMITTED ON OR AFTER JULY 1, 1993, UPON APPLICATION FOR PAROLE, THE STATE BOARD OF PAROLE, WORKING IN CONJUNCTION WITH THE DEPARTMENT AND USING THE GUIDELINES ESTABLISHED PURSUANT TO SECTION 17-22.5-404, SHALL DETERMINE WHETHER OR NOT TO GRANT PAROLE. THE STATE BOARD OF PAROLE, IF IT

DETERMINES THAT PLACING AN OFFENDER ON PAROLE IS APPROPRIATE, SHALL SET THE LENGTH OF THE PERIOD OF PAROLE AT THE MANDATORY PERIOD OF PAROLE ESTABLISHED IN SECTION 18-1-105 (1) (a) (V), C.R.S. IF AN APPLICATION FOR PAROLE IS REFUSED BY THE STATE BOARD OF PAROLE, THE STATE BOARD OF PAROLE SHALL RECONSIDER WITHIN ONE YEAR THEREAFTER WHETHER SUCH INMATE SHOULD BE GRANTED PAROLE. THE STATE BOARD OF PAROLE SHALL CONTINUE SUCH RECONSIDERATION EACH YEAR THEREAFTER UNTIL SUCH INMATE IS GRANTED PAROLE OR UNTIL SUCH INMATE IS DISCHARGED PURSUANT TO LAW.

(8) FOR PERSONS WHO ARE GRANTED PAROLE PURSUANT TO SUBSECTION (7) OF THIS SECTION, THE DIVISION OF ADULT SERVICES SHALL PROVIDE PAROLE SUPERVISION AND ASSISTANCE IN SECURING EMPLOYMENT, HOUSING, AND SUCH OTHER SERVICES AS MAY AFFECT THE SUCCESSFUL REINTEGRATION OF SUCH OFFENDER INTO THE COMMUNITY WHILE RECOGNIZING THE NEED FOR PUBLIC SAFETY. THE CONDITIONS FOR PAROLE FOR ANY SUCH OFFENDER UNDER THIS SUBSECTION (8) SHALL BE ESTABLISHED PURSUANT TO SECTION 17-22.5-404 BY THE STATE BOARD OF PAROLE PRIOR TO SUCH OFFENDER'S RELEASE FROM INCARCERATION. UPON A DETERMINATION THAT THE CONDITIONS OF PAROLE HAVE BEEN VIOLATED IN A PAROLE REVOCATION PROCEEDING, THE STATE BOARD OF PAROLE SHALL CONTINUE THE PAROLE IN EFFECT, MODIFY THE CONDITIONS OF PAROLE IF CIRCUMSTANCES THEN SHOWN TO EXIST REQUIRE SUCH MODIFICATIONS, WHICH CIRCUMSTANCES SHALL BE SET FORTH IN WRITING, OR REVOKE THE PAROLE AND ORDER THE RETURN OF THE OFFENDER TO A PLACE OF CONFINEMENT DESIGNATED BY THE EXECUTIVE DIRECTOR FOR ANY PERIOD OF TIME UP TO THE PERIOD REMAINING ON SUCH PERSON'S MANDATORY PERIOD OF PAROLE ESTABLISHED IN SECTION 18-1-105 (1) (a) (V), C.R.S. ANY OFFENDER WHO HAS BEEN REINCARCERATED DUE TO A PAROLE REVOCATION PURSUANT TO THIS SUBSECTION (8) SHALL BE ELIGIBLE FOR PAROLE AT ANY TIME DURING SUCH REINCARCERATION. THE STATE BOARD OF PAROLE MAY DISCHARGE AN OFFENDER GRANTED PAROLE UNDER THIS SECTION AT ANY TIME DURING THE TERM OF PAROLE UPON A DETERMINATION THAT THE OFFENDER HAS BEEN SUFFICIENTLY REHABILITATED AND REINTEGRATED INTO SOCIETY AND CAN NO LONGER BENEFIT FROM PAROLE SUPERVISION. IN MAKING ANY SUCH DETERMINATION, THE STATE BOARD OF PAROLE SHALL MAKE WRITTEN FINDINGS AS TO WHY SUCH OFFENDER IS NO LONGER IN NEED OF PAROLE SUPERVISION.

SECTION 5. 17-22.5-405, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-22.5-405. Earned time. (5) NOTWITHSTANDING SUBSECTIONS (1), (2), AND (3) OF THIS SECTION, NO OFFENDER WHO IS PAROLED FOR AN OFFENSE COMMITTED ON OR AFTER JULY 1, 1993, SHALL BE ELIGIBLE TO RECEIVE ANY EARNED TIME WHILE SUCH OFFENDER IS ON PAROLE OR WHILE SUCH OFFENDER IS REINCARCERATED AFTER A REVOCATION OF THE MANDATORY PERIOD OF PAROLE PURSUANT TO SECTION 18-1-105 (1) (a) (V), C.R.S.

SECTION 6. Article 30.5 of title 17, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 30.5

Interdepartmental Agreements to

2024 Second Extraordinary Session

ACT No. 6

HOUSE BILL NO. 9

BY REPRESENTATIVES VILLIO AND MIKE JOHNSON AND SENATOR MORRIS

1 AN ACT

2 To amend and reenact R.S. 15:574.4(A)(1)(a), (2), (3), (4)(introductory paragraph),
3 (5)(a)(introductory paragraph), and (6)(a)(introductory paragraph) and (B)(1) and
4 (2)(introductory paragraph) and to enact R.S. 15:574.22, relative to parole; to
5 provide relative to parole eligibility; to provide for the restriction of parole
6 eligibility; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:574.4(A)(1)(a), (2), (3), (4)(introductory paragraph),
9 (5)(a)(introductory paragraph), and (6)(a)(introductory paragraph) and (B)(1) and
10 (2)(introductory paragraph) are hereby amended and reenacted and R.S. 15:574.22 is hereby
11 enacted to read as follows:

12 §574.4. Parole; eligibility; juvenile offenders

13 A.(1)(a) Unless eligible at an earlier date, a person otherwise eligible for
14 parole shall be eligible for parole consideration upon serving twenty-five percent of
15 the sentence imposed. The provisions of this Subparagraph shall not apply to any
16 person whose instant offense is a crime of violence as defined in R.S. 14:2(B), a sex
17 offense as defined in R.S. 15:541, or any offense which would constitute a crime of
18 violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or
19 whose instant offense is a fourth or subsequent conviction of a nonviolent felony
20 offense regardless of the date of conviction. Notwithstanding any provisions of law

1 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection ~~or any~~
2 ~~other law to the contrary~~ and except as provided in R.S. 15:574.22, unless eligible
3 for parole at an earlier date, a person committed to the Department of Public Safety
4 and Corrections for a term or terms of imprisonment with or without benefit of
5 parole for thirty years or more shall be eligible for parole consideration upon serving
6 at least twenty years of the term or terms of imprisonment in actual custody and upon
7 reaching the age of forty-five. This provision shall not apply to a person serving a
8 life sentence unless the sentence has been commuted to a fixed term of years. The
9 provisions of this Paragraph shall not apply to any person who has been convicted
10 of an offense that is both a crime of violence as defined in R.S. 14:2(B) and a sex
11 offense as defined in R.S. 15:541 when the offense was committed on or after
12 January 1, 1997. The provisions of this Paragraph shall not apply to any person who
13 has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense
14 as defined in R.S. 15:541 when the offense was committed on or after August 1,
15 2014.

16 (3) Notwithstanding the provisions of Paragraph (A)(1) or (2) of this Section
17 ~~or any other provision of law to the contrary~~ and except as provided in R.S.
18 15:574.22, unless eligible for parole at an earlier date, a person committed to the
19 Department of Public Safety and Corrections serving a life sentence for the
20 production, manufacturing, distribution, or dispensing or possessing with intent to
21 produce, manufacture, or distribute heroin shall be eligible for parole consideration
22 upon serving at least fifteen years of imprisonment in actual custody.

23 (4) ~~Notwithstanding any other provision of law to the contrary~~ Except as
24 provided in R.S. 15:574.22, unless eligible for parole at an earlier date, a person
25 committed to the Department of Public Safety and Corrections for a term or terms
26 of imprisonment with or without benefit of parole who has served at least ten years

1 (5)(a) Notwithstanding the provisions of Paragraph (A)(1) or Subsection B
2 of this Section ~~or any other provision of law to the contrary~~ and except as provided
3 in R.S. 15:574.22, a person committed to the Department of Public Safety and
4 Corrections shall be eligible for parole consideration upon serving fifteen years in
5 actual custody if all of the following conditions are met:

6 * * *

7 (6)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection or
8 Subsection B of this Section ~~or of any provision of law to the contrary~~ and except as
9 provided in R.S. 15:574.22, a person committed to the Department of Public Safety
10 and Corrections shall be eligible for parole consideration upon serving fifteen years
11 in actual custody if all of the following conditions are met:

12 * * *

13 B.(1) Except as provided in Paragraph (2) of this Subsection, and except as
14 provided in Paragraph (A)(5) and Subsections D, E, and H of this Section, no
15 prisoner serving a life sentence shall be eligible for parole consideration until his life
16 sentence has been commuted to a fixed term of years. No prisoner sentenced as a
17 serial sexual offender shall be eligible for parole. No prisoner may be paroled while
18 there is pending against him any indictment or information for any crime suspected
19 of having been committed by him while a prisoner. ~~Notwithstanding any other~~
20 ~~provisions of law to the contrary~~ Except as provided in R.S. 15:574.22, a person
21 convicted of a crime of violence and not otherwise ineligible for parole shall serve
22 at least sixty-five percent of the sentence imposed, before being eligible for parole.
23 The victim or victim's family shall be notified whenever the offender is to be
24 released provided that the victim or victim's family has completed a Louisiana victim
25 notice and registration form as provided in R.S. 46:1841 et seq., or has otherwise
26 provided contact information and has indicated to the Department of Public Safety

1 14:2(B), a sex offense as defined by R.S. 15:541, or an offense, regardless of the date
2 of conviction, which would constitute a crime of violence as defined by R.S. 14:2(B)
3 or a sex offense as defined by R.S. 15:541, shall be eligible for parole consideration
4 as follows:

5 * * *

6 §574.22. Parole ineligibility

7 No person committed to the Department of Public Safety and Corrections for
8 an offense committed on or after August 1, 2024, shall be eligible for parole under
9 this Part except a person who satisfies the provisions of R.S. 15:574.4(D), (E), (F),
10 (G), (H), (J), or (K).

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SCCP & Disciplinary Data

October 2026



Anthony Cantillo
Acting Commissioner
anthony.cantillo@maine.gov

Maine Department of Corrections
25 Tyson Drive
State House Station 111
Augusta, Maine 04333-0111

Residents by Statute/Good Time Code (Please note that residents currently incarcerated for more than one sentence may be included in more than one of these categories. In other words, one resident may be serving multiple sentences under different codes):

	Statute Number	Asian	Black or African American	Native American	Native Hawaiian or Pacific Islander	Two or More Races	White	Unknown
Female	1983	0	0	0	0	0	0	0
	1995	0	1	2	0	0	29	0
	2004	2	6	6	0	1	165	0
Male	1983	0	0	1	0	0	31	0
	1995	5	72	30	1	8	649	17
	2004	6	229	42	1	20	944	14

SCCP Success Rate Data

	2021	2022	2023	2024	2025	2026 YTD
All Clients Success Rate	91%	77%	55%	77%	85%	82%
Male Success Rate	92%	78%	57%	76%	82%	85%
Female Success Rate	90%	75%	50%	79%	91%	69%

A sample of residents at MVCF, MCC, BCF and SMWRC showed 81 residents were eligible to apply for SCCP in 2026 but chose not to apply.

Breakdown by Gender

Male	77%
Female	23%

Breakdown by Race

Asian	1%
Black or African American	7%
Native American	6%
Native Hawaiian or Pacific Islander	0%
Two or More Races	0%
White	85%
Unknown	0%

Breakdown by Reason

Housing	41%
Not Interested	58%
Support	1%

Good time earned from 7/1/25-8/31/26: The average number of days earned on each sentence was 6 days per month.

Good time lost from 7/1/25-8/31/26: The average number of times residents have lost good time due to discipline each month was 28. The average number of days lost for each disciplinary case was 27.

Good time restored from 7/1/25-8/31/26: The average number of times residents have had good time restored each month was 8. The average number of days restored for each of those was 27.

PERSPECTIVE FROM THE BENCH: SENTENCING

Julia M. Lipez
Associate Justice
Maine Supreme Judicial Court

*Prepared for the 10/26/26 meeting of the Commission to Examine the Intersection of Parole and Current Sentencing Practices

State v. Hewey

- Appeal of 30-year sentence imposed for robbery

STATE of Maine

v.

Alden HEWEY.

Supreme Judicial Court of Maine.

Argued Feb. 1, 1993.

Decided March 24, 1993.

- Decision clarified the three-step sentencing procedure that the Law Court deemed “necessary to be followed by the trial court to achieve a greater uniformity in the sentencing process and to enable [the Law Court] to apply the correct standard of review to each of those steps”:
 - 1) Determine the “basic period of incarceration” based *solely* on the defendant’s conduct in committing the crime.
 - 2) Individualize the sentence based on “*factors peculiar to that offender*” to determine the “maximum period of incarceration.”
 - 3) Determine the final sentence based on whether a portion of sentence should be suspended.

LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1994 to June 30, 1995

CHAPTER 69

S.P. 199 - L.D. 542

**An Act to Include the Law Court's
Imprisonment Sentencing Procedure
in the Maine Criminal Code**

Codification of *Hewey*

- In 1995, the Legislature codified the sentencing procedure articulated in *Hewey*.
See P.L. 1995, ch. 69 (effective Sep. 29, 1995).
- The required steps remain largely the same today for Class A, B, and C crimes.
See 17-A M.R.S. § 1602(1) (2026).

STATEMENT OF FACT

This bill enacts into positive law the Law Court's 3-step sentencing procedure for felonies, established in *State v. Hewey*, 622 A.2d 1151, 1154-55 (Me. 1993), when imposing a sentence alternative involving a term of imprisonment. See also *State v. Roberts*, 641 A.2d 177, 179 (Me. 1994). The Maine Revised Statutes, Title 17-A, section 253, subsection 6 reflects a current statutory recognition of this critical process.

L.D. 541 (107th Legis.1995).

STATUTORY GOALS OF SENTENCING

17-A M.R.S. § 1501 (2026):

1. Prevent crime.
2. Encourage restitution.
3. Minimize correctional experiences.
4. Provide notice of nature of sentences that may be imposed.
5. Eliminate inequalities in sentences.
6. Encourage just individualization of sentences.
7. Elicit cooperation of individuals through correctional programs.
8. Permit sentences based on factors of crime committed.
9. Recognize domestic violence and certified domestic violence intervention programs.

“The court must consider the sentencing goals at each of the steps of the sentencing process and ‘articulate which sentencing goals are served by the sentence.’ Depending upon the facts and circumstances presented in an individual case, some goals may or may not be relevant, and some may be in tension with others.”

State v. Watson, 2024 ME 24, ¶ 22, 319 A.3d 430 (quoting State v. Reese, 2010 ME 30, ¶ 17, 991 A.2d 806).



UNCONTESTED SENTENCINGS

Deferred Dispositions

- Eligibility = Class B drug crimes and all Class C, D, and E crimes
- Upon successful completion of deferment requirements, defendant receives the “good outcome.”

17-A M.R.S. §§ 1901-1904 (2026).

Plea Agreements

- Upon acceptance of a guilty plea with an agreed-upon sentence, the court may impose a lesser sentence but it may not go above the agreed-upon sentence.

M.R.U. Crim. P. 11A(d).

Maine Judicial Branch

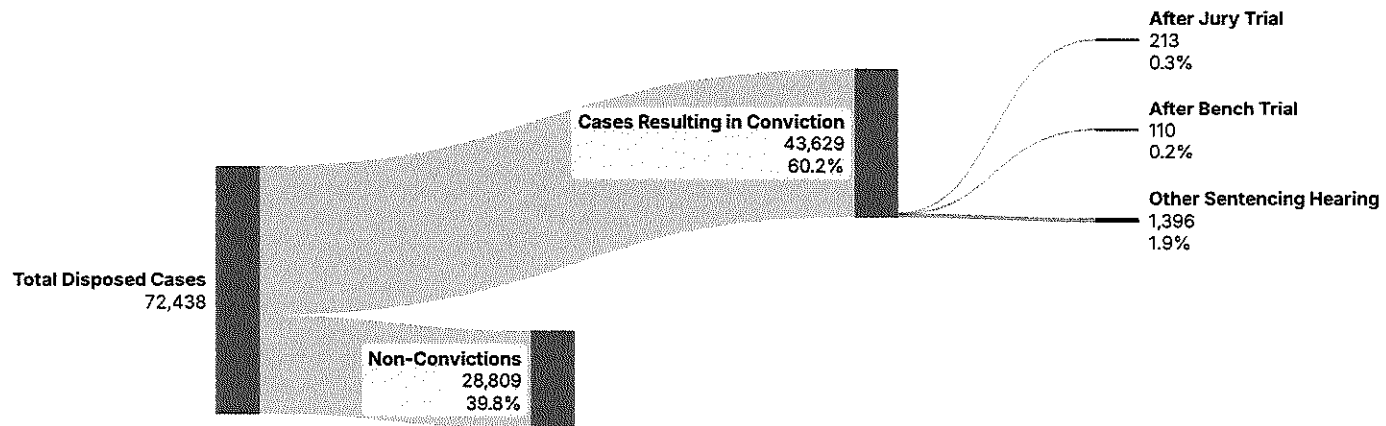
Criminal Cases Potentially Having Contested Sentencing, 2024 – 2025

The graph below shows the total number of criminal cases disposed statewide between January 1, 2024 and December 31, 2025.

The graph further shows the proportion of those cases that resulted in a conviction for at least one offense (60.2%) and the proportion of cases resulting in a conviction that may have had a contested sentencing hearing (2.4% of all disposed cases). These cases are divided into three categories:

- 1) cases resulting in a conviction following a jury verdict (0.3%);
- 2) cases resulting in a conviction following a bench trial (0.2%); and
- 3) cases reaching disposition without a trial but having a sentencing hearing held (1.9%).

Note that the last category potentially signals that sentencing was contested, but may also include cases where sentencing was agreed upon at the time of disposition but was formally entered at a later date.



LIMITATIONS ON THE THREE-PART ANALYSIS

MANDATORY MINIMUMS (examples below)

- Murder: 25 years' imprisonment
 - Certain drug crimes:
 - Class A - 4 years' imprisonment
 - Class B - 2 years' imprisonment
 - Class C - 1 year imprisonment
- *Court can impose sentence below minimum when it makes findings specified in 17-A M.R.S. § 1125(2) (2026).
- Crimes involving use of a firearm against an individual:
 - Class A - 4 years' imprisonment
 - Class B - 2 years' imprisonment
 - Class C - 1 year imprisonment
 - Criminal OUI:
 - Minimum penalties that increase based on the number of previous OUI offenses within a 10-year period

17-A M.R.S. §§ 1125, 1603, 1604(3), (4) (2026); 29-A M.R.S. § 2411(5) (2026).

MINIMUM BASIC SENTENCE

- Gross sexual assault of a child under 12: Basic sentence at step one of analysis must be at least 20 years

17-A M.R.S. § 253-A(2) (2026).

SUSPENSION (STEP 3) NOT PERMITTED

- Murder
- Gross sexual assault with certain prior convictions: court may not suspend any portion of sentence

17-A M.R.S. § 253-A(3)(D), 1602(2).

MANDATORY SUPERVISED RELEASE

- Gross sexual assault of a child under 12

17-A M.R.S. § 1881(1) (2026).

FACT FINDING

Title 34-A M.R.S. § 5402(2)(D) (2026) allows a sentencing court to request a presentence investigation report from the Commissioner of the Department of Corrections.

This is rarely used in practice.

While the fact finder—sometimes a jury—determines “guilt based on evidence admitted in accordance with evidentiary rules,” the sentencing court makes “factual findings for sentencing purposes by a preponderance of the evidence based on whatever information the court deems reliable.”

State v. De St. Croix, 2020 ME 142, ¶ 11, 243 A.3d 880.

Sentencing courts “have broad discretion in determining what information to consider in sentencing; they are limited only by the due process requirement that such information must be factually reliable and relevant.”

State v. Averill, 2026 ME 48, ¶ 39, 358 A.3d 1110 (quoting State v. Seamon, 2017 ME 123, ¶ 23, 165 A.3d 342).

STEP ONE: NATURE OF THE OFFENSE

- *Objective* determination
- The court may consider comparable sentences in other cases when appropriate, but it is not required to do so.

State v. Bentley, 2021 ME 39, ¶¶ 10, 13, 254 A.3d 1171.

“First, the court shall determine a basic term of imprisonment by considering the particular nature and seriousness of the offense as committed by the individual.”

- Information available to the court is dependent on what the parties present at trial and the sentencing hearing
- When there was no trial, information is often limited to the State’s recitation at the Rule 11 hearing

It is an unresolved question whether courts can consider acquitted conduct in setting the basic sentence. See *State v. Witmer*, 2011 ME 7, ¶¶ 22-24, 10 A.3d 728. Courts of other jurisdictions have resolved the question differently. See *id.* ¶ 23.

STEP TWO: MAXIMUM SENTENCE

- *Subjective* determination
- Based on:
 - Information about defendant's history and characteristics
 - Mitigation memoranda
 - Letters/statements from defendant's friends and family
 - Victim impact statements
 - Defendant's allocution

"Second, the court shall determine the maximum term of imprisonment to be imposed by considering all other relevant sentencing factors, both aggravating and mitigating, appropriate to the case. Relevant sentencing factors include, but are not limited to, the character of the individual, the age of the individual at the time the conduct forming the basis of the conviction occurred, the individual's criminal history, the effect of the offense on the victim, the effect of the potential term of imprisonment on those relying on the individual as a primary caregiver and the protection of the public interest."

A victim's participation and ability to submit a statement at sentencing is guaranteed by 17-A M.R.S. § 2104 (2026).

Defendants cannot be punished for exercising their right to remain silent and to decline to testify at trial or allocute at sentencing. Accordingly, "any consideration of a defendant's failure to show remorse or take responsibility as an aggravating factor must be based on affirmative evidence in the record to support that finding." State v. Footman, 2026 ME 97, ¶ 19 n.1, --- A.3d --- (alteration omitted) (quoting State v. Ellis, 2025 ME 56, ¶ 26, 339 A.3d 794).

STEP THREE: FINAL SENTENCE

“Third, the court shall determine what portion, if any, of the maximum term of imprisonment under [step two] should be suspended and, if a suspension order is to be entered, determine the appropriate period of probation or administrative release to accompany that suspension.”

Courts may consider, among other factors:

- Gravity and seriousness of the offense
- Concern for public safety
- Deterrence and rehabilitation
- Potential for cooperation in rehabilitation
- Minimizing correctional experiences
- Defendant’s prior success on probation

See, e.g., *State v. Murray*, 2026 ME 61, ¶ 36, 359 A.3d 665; *State v. Dalli*, 2010 ME 113, ¶ 14, 8 A.3d 632; *State v. Gray*, 2006 ME 29, ¶ 10, 893 A.2d 611.

SENTENCING
COURT'S
LIMITED
AUTHORITY
TO CORRECT OR
REDUCE A
SENTENCE

Maine Rule of Unified Criminal Procedure 35:

RULE 35. CORRECTION OR REDUCTION OF SENTENCE

(a) Correction of Sentence. On motion of the defendant or the attorney for the State, or on the court's own motion, made within one year after a sentence is imposed, the justice or judge who imposed sentence may correct an illegal sentence or a sentence imposed in an illegal manner.

(b) Reduction of Sentence Before Commencement of Execution. The justice or judge who imposed sentence may reduce a sentence prior to the commencement of execution thereof.

(c) Reduction of Sentence After Commencement of Execution.

(1) *Timing of Motion.* On motion of the defendant or the attorney for the State, or on the court's own motion, made within one year after a sentence is imposed and before the execution of the sentence is completed, the justice or judge who imposed sentence may reduce that incomplete sentence.

(2) *Ground of Motion.* The ground of the motion shall be that the original sentence was influenced by a mistake of fact that existed at the time of sentencing.

APPELLATE REVIEW OF SENTENCES

TWO AVENUES TO REVIEW:

- Direct Appeal
 - Appeal as of right
 - Law Court is limited to reviewing only the *legality* of the sentence
- Discretionary Sentence Review by the Sentence Review Panel
 - Sentence Review Panel must authorize appeal to the Law Court
 - If appeal is authorized, Law Court can consider *propriety* of the sentence
- See 15 M.R.S. § 2151-2157 (2026); M.R. App. P. 20.

THE SENTENCE REVIEW PANEL:

- Established by the Legislature in 1989 in response to a law review article by Justice Daniel H. Wathen. See P.L. 1989, ch. 218, § 5.
- “Not an advocate of rigid sentencing guidelines, Justice Wathen instead proposed a process of discretionary appellate review of sentences ‘as an effective means of articulating and implementing a rational sentencing policy’ and providing guidance to sentencing courts and the public.” *Watson*, 2024 ME 24, ¶ 19, 319 A.3d 430 (quoting Hon. Daniel E. Wathen, *Disparity and the Need for Sentencing Guidelines in Maine: A Proposal for Enhanced Appellate Review*, 40 Me. L. Rev. 1, 2 (1988)).

Maine Rejects Indeterminacy Overview

Maine Rejects Indeterminacy, published in 1983 by Donald Anspach, Peter Lehman and John Kramer, is an evaluation of legal reforms implemented in Maine in 1976. The research, sponsored by the National Institute of Justice, analyzed 7201 Superior Court cases from 1971-1979 to evaluate the outcomes of those reforms.

Maine's reforms abolished its parole board, introduced flat sentencing, graded most offenses into five categories of seriousness, and redefined substantive offenses. Prior to these reforms, sentencing decisions about incarceration length were shared between the judiciary, which imposed minimum and maximum terms of confinement, and an executive agency, the parole board, which made actual release decisions. "Along with Connecticut, Maine's reform was one of the most radical forms of parole abolition in the nation." (120)

Maine's reform did not create "determinacy." It did, however, focus sentencing in the courts, develop increased certainty, and avoid oversimplification of crime seriousness. At the same time, the reform attempted to increase sentencing flexibility by expanding the options available to courts, such as split sentences. In addition, the reorganization and redefinition of offenses, introduction of culpable "states of mind," and the introduction of seriousness categories attempted to increase structure, clarity and consistency.

"As originally enacted, the flat sentence could only be reduced by a petition from the Bureau of Corrections to the sentencing judge, by a pardon or commutation of sentence by the Governor, or by appellate review. Part of the reforms was the option for the Department of Corrections to petition the sentencing court for a change of sentence." (32-33) This option was found unconstitutional in *State v Hunter*, 1982.

Maine's revised criminal code was not intended to substantially change the use of incarceration, or the length of incarceration. However, by 1979, corrections officials reported overcrowded prison conditions which they attributed directly to the sentencing reform, and particularly to the abolition of parole. In 1981, the perception of overcrowding led to a move, led by corrections officials, to reinstate the parole board.

"A major factor accounting for the abolition of parole in Maine was the widespread belief that the parole board was too liberal. It was believed that offenders were released upon their first appearance before the parole board. The data suggest the opposite may be true. The data examined show a much larger percent of offenders

serving more than their minimum sentence than less—the overall effects of release practices in the pre-reform period was much less ‘liberal’ than expected.” (89)

Overall, the research found:

- **Longer felony sentences:** After the 1976 reform, average time served for incarceration-only felony sentences rose from **16.1 to 23.9 months** (+7.8 months). For felony split sentences, it rose from **1.6 to 6.5 months** (+4.9 months).
- **More certainty about release:** The share of sentences where actual time incarcerated closely matched the expected minimum increased from **65.4% before reform to 89.2% after**. Eliminating parole meant offenders and the public generally knew the approximate release timing at sentencing.
- **Less impact on misdemeanor confinement:** Time served for misdemeanor incarceration-only sentences fell from **10.8 to 7.0 months**; split-sentence time rose only slightly.
- **Prison crowding intensified:** The combination of longer sentences and continued admissions increased annual correctional intake load from about **3,739 person-months before reform to 5,628 after**—roughly a 50% increase.
- **More judicial discretion, not more consistency:** Parole-board discretion was replaced by judicial control, but without detailed sentencing guidelines. The study found no overall improvement in consistency or predictability of sentencing decisions.
- **No impact on crime rate:** Overall crime rates and violent crime rates were not significantly affected by the reforms.

Abolishing parole produced clearer, court-fixed release dates, but for felony offenders it led to substantially longer confinement and greater pressure on Maine’s correctional system.