

§1804. Period of probation; modification; termination and discharge

1. Limit on length of probation. Except as provided in subsections 2, 3, 4, 5 and 6, the period of probation for a person may not exceed:

- A. For a Class A crime, 4 years; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- B. For a Class B crime, 3 years; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- C. For a Class C crime, 2 years; and [PL 2019, c. 113, Pt. A, §2 (NEW).]
- D. For a Class D or Class E crime, one year. [PL 2019, c. 113, Pt. A, §2 (NEW).]

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Exception to limits when victim is less than 12 years of age. If the State pleads and proves that at the time of the crime the victim had not attained 12 years of age or, in the case of a crime under sections 283 and 284, the victim had not attained 12 years of age at the time the sexually explicit conduct occurred, the period of probation for a person convicted under chapter 11 or 12 may not exceed:

- A. For a Class A crime, 18 years; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- B. For a Class B crime, 12 years; and [PL 2019, c. 113, Pt. A, §2 (NEW).]
- C. For a Class C crime, 6 years. [PL 2019, c. 113, Pt. A, §2 (NEW).]

[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Exception to limits when victim is family or household member. If the State pleads and proves that the person was convicted of committing against a family or household member or a dating partner a crime under chapter 9 or 13 or section 554 or if the person was convicted under chapter 11 or 12 or section 556, the period of probation may not exceed:

- A. For a Class A crime, 6 years; and [PL 2019, c. 113, Pt. A, §2 (NEW).]
- B. For a Class B or Class C crime, 4 years. [PL 2019, c. 113, Pt. A, §2 (NEW).]

[PL 2023, c. 465, §16 (AMD).]

4. Exception to limits when person sentenced as repeat sexual assault offender. The period of probation for a person sentenced as a repeat sexual assault offender pursuant to section 253-A, subsection 1 is any term of years.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Exception to limits when person sentenced for nonsupport of dependents. The period of probation for a person sentenced for the crime of nonsupport of dependents under section 552 is as provided under section 552, subsection 4.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

6. Exception to limits when person ordered to complete domestic violence intervention program and pay restitution. If the State pleads and proves that the enumerated Class D or Class E crime was committed by the person against a family or household member or a dating partner and the court orders the person to complete a certified domestic violence intervention program as defined in Title 19-A, section 4116, the person may be placed on probation for a period not to exceed 2 years, except that, on motion by the person's probation officer, the person or the court, the term of probation must be terminated by the court when the court determines that the person has:

- A. Served at least one year of probation; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- B. Completed the certified domestic violence intervention program; [PL 2021, c. 174, §2 (AMD).]
- C. Paid in full any victim restitution ordered; and [PL 2019, c. 113, Pt. A, §2 (NEW).]

D. From the time the period of probation commenced until the motion for termination is heard, met all other conditions of probation. [PL 2019, c. 113, Pt. A, §2 (NEW).]

As used in this subsection, "enumerated Class D or Class E crime" means any Class D crime in chapter 9, any Class D or Class E crime in chapter 11, the Class D crimes described in sections 302 and 506-B and the Class D crimes described in sections 554, 555 and 758.
[PL 2023, c. 465, §17 (AMD).]

7. Modification of probation requirements authorized. During the period of probation specified in the sentence made pursuant to this section, and upon application of the person on probation or the person's probation officer, or upon the court's own motion, the court may, after a hearing upon notice to the probation officer and the person on probation, modify the requirements imposed by the court or a community reparations board, add further requirements authorized by section 1807 or relieve the person on probation of any requirement imposed by the court or a community reparations board that, in the court's opinion, imposes on the person an unreasonable burden. If the person on probation cannot meet a requirement imposed by the court or a community reparations board, the person shall bring a motion under this subsection.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

8. Ex parte motion for modification by probation officer in advance of hearing. Notwithstanding subsection 7, the court may grant, ex parte, a motion brought by the probation officer of the person on probation to add further requirements if the court determines that all reasonable efforts have been made to give written or oral notice to the person on probation and the requirements are immediately necessary to protect the safety of an individual or the public. Any requirements added pursuant to an ex parte motion do not take effect until written notice of the requirements, along with written notice of the scheduled date, time and place when the court will hold a hearing on the added requirements, is given to the person on probation.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

9. Conversion of probation to administrative release. Once the period of probation has commenced, on motion of the person on probation or the person's probation officer, or on the court's own motion, the court may at any time convert a period of probation for a Class D or Class E crime or a Class C crime under Title 29-A, section 2557-A to a period of administrative release. A conversion to administrative release may not be ordered unless notice of the motion is given to the probation officer and the attorney for the State. The provisions of subchapter 2 apply when probation is converted to administrative release. Conversion to administrative release in accordance with this subsection relieves the person on probation of any obligations imposed by the probation conditions.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

10. Early termination of probation and discharge authorized. Once the period of probation has commenced, on motion of the person on probation or the person's probation officer, or on the court's own motion, the court may at any time terminate a period of probation and discharge the person at any time earlier than that provided in the sentence made pursuant to this section, if warranted by the conduct of the person. A termination and discharge may not be ordered unless notice of the motion is given to the probation officer and the attorney for the State. Termination and discharge in accordance with this subsection relieves the person on probation of any obligations imposed by the sentence of probation.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

11. Justice or judge authorized to hear motions regarding probation. A motion and hearing pursuant to subsection 7, 8, 9 or 10 need not be before the justice or judge who originally imposed probation. Any justice or judge may initiate and hear a motion, and any justice or judge may hear a motion brought by the person on probation or the person's probation officer.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

12. Termination of probation to prevent delay of consecutive term of imprisonment. Any court, in order to comply with section 1608, subsection 7, shall terminate a period of probation that would delay commencement of a consecutive unsuspended term of imprisonment.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW). PL 2021, c. 174, §2 (AMD). PL 2021, c. 647, Pt. B, §39 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2023, c. 465, §§16, 17 (AMD).

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