

Criminal Code Revision Planning Committee

Meeting Summary

Held on November 11, 2013

Present: Sen. Gerzofsky, Sen. Hill, Sen. Burns, Rep. Carey, Rep. Priest, Rep. Wilson, Hon. LaVerdiere, Stephanie Anderson, Neal Duffett, Zachary Heiden and Elizabeth Ward Saxl.

Absent: Tobey Dilworth (replacing Richard Hartley)

Introductions (10:30)

Staff

- Overview of the enabling joint order including the scope and duties of the commission.
- Provided the committee with a list of crimes outside the criminal code.

Janet Mills, Attorney General

- Gave an overview of the history of the criminal code and highlighted milestones in its development.
- Before the Criminal Law Revision Commission established the code in 1975, there was significant confusion because of irregularities in criminal statutes, penalties and sentencing provisions.
- Suggested the commission focus just on the code because of the size of the task.
- Commission's primary job should be to make the code a more rational, understandable and consistent document.

John Pelletier, Criminal Law Advisory Commission (CLAC)

- Briefed the committee about CLAC, its membership, mission and activities since its inception.
- CLAC is willing to participate in the project and can do the technical stuff but needs detailed policy guidance from the Legislature.
- Suggested that the commission focus on the code because that alone is a daunting task and working on crimes outside of the code will require a large group of experts to adequately address all the divergent policy issues.
- CLAC already continually evaluates the operation of the code as proposed for consideration in the joint order (item#2).
- Part I of the code is a model to other states and does not need any significant changes but the sentencing provisions in Part III need work.

Committee discussion highlights

- Need to identify sources of funding before defining the duties of the commission; look for outside funding.

- It needs to be done right or not at all.
- Need to hire a nonpartisan person with gravitas to serve as lead to help commission through the process; possibly someone from outside of the state to bring unvarnished perspective to the project.
- Need to include crimes outside of code to get rid of artificial divisions and inconsistencies.
- Designate CLAC as the core of the commission but also provide for advisory policy groups to assist CLAC.
- Commission must have a high level of respect by all branches of the government to succeed in completing this task and having it enacted into law.
- Judges should only be used as consultants and not members of the commission to avoid a separation of powers issue-judges are not policy makers.

Staff assignments.

- Provide an outline of options for structuring the commission
- Research outside funding sources
- Survey other states to see how they handle revisions to their criminal laws

Next meeting to be determined.

Adjourned 1:35