



Maine Safety Valves

IMPORTANT NOTE: Laws change frequently, and this may not be an up-to-date description of safety valves available. Talk with a lawyer in your state if you have questions about safety valves.

Code Section	Safety Valve Provision for Drug Offenses
17-A MRS § 1252(5-A)(B)-(C)	<p>Courts may depart from the mandatory minimum sentences if they find substantial evidence for all three of the following elements:</p> <ol style="list-style-type: none"> (1) Imposition of the mandatory term will result in substantial injustice to the defendant; (2) Failure to impose the mandatory term will not have an adverse effect on public safety; and (3) Failure to impose the mandatory term will not appreciably impair the deterrent effect of the mandatory sentence. <p>Then, the court must find two additional elements:</p> <ol style="list-style-type: none"> (1) The defendant is an appropriate candidate for an intensive supervision program, but would be ineligible if given a mandatory sentence; (2) Based on the defendant's background, attitude, and prospects for rehabilitation and the nature of the victim and offense, imposing the mandatory sentence would frustrate the general purposes of sentencing.† <p>The court must state its reasons in writing, and then impose a sentence of:</p> <ul style="list-style-type: none"> - at least 9 months for a Class A crime - at least 6 months for a Class B crime - at least 3 months for a Class C crime.*

*Per 17-A MRS § 1252(5-A)(A), ordinarily, Class A crimes carry a mandatory penalty of 4 years, Class B crimes carry a mandatory penalty of 2 years, and Class C crimes carry a mandatory penalty of 1 year.

†The purposes of sentencing are found at 17-A MRS § 1151: (1) to prevent crime through the deterrent effect of sentences, the rehabilitation of convicted persons, and the restraint of convicted persons when required in the interest of public safety; (2) to encourage restitution in all cases in which the victim can be compensated and other purposes of sentencing can be appropriately served; (3) to minimize correctional experiences which serve to promote further criminality; (4) to give fair warning of the nature of the sentences that may be imposed on the conviction of a crime; (5) to eliminate inequalities in sentences that are unrelated to legitimate criminological goals; (6) to encourage differentiation among offenders with a view to a just individualization of sentences; (7) to promote the development of correctional programs which elicit the cooperation of convicted persons; and (8) to permit sentences that do not diminish the gravity of offenses, with reference to, among other factors, the victim's age and whether the defendant selected the victim or damaged property because of the race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or homelessness of that person or of the owner or occupant of that property.