

§1125. Mandatory minimum term of imprisonment for certain drug offenses

1. Minimum term of imprisonment. Except as otherwise provided in subsections 2 and 3, for a person convicted of violating section 1105-A, 1105-B, 1105-C, 1105-D or 1118-A the minimum term of imprisonment, which may not be suspended, is as follows:

A. When the sentencing class is Class A, the minimum term of imprisonment is 4 years; [PL 2019, c. 113, Pt. B, §16 (NEW).]

B. When the sentencing class is Class B, the minimum term of imprisonment is 2 years; and [PL 2019, c. 113, Pt. B, §16 (NEW).]

C. With the exception of a conviction under section 1105-A, 1105-B, 1105-C or 1105-D when the drug that is the basis for the charge is marijuana, when the sentencing class is Class C, the minimum term of imprisonment is one year. [PL 2019, c. 113, Pt. B, §16 (NEW).]
[PL 2019, c. 113, Pt. B, §16 (NEW).]

2. Finding by court necessary to impose other than mandatory minimum term of imprisonment. The court may impose a sentence other than a minimum unsuspended term of imprisonment set forth in subsection 1 if:

A. The court finds by substantial evidence that:

(1) Imposition of a minimum unsuspended term of imprisonment under subsection 1 will result in substantial injustice to the individual. In making this determination, the court shall consider, among other considerations, whether the individual did not know and reasonably should not have known that the victim was less than 18 years of age;

(2) Failure to impose a minimum unsuspended term of imprisonment under subsection 1 will not have an adverse effect on public safety; and

(3) Failure to impose a minimum unsuspended term of imprisonment under subsection 1 will not appreciably impair the effect of subsection 1 in deterring others from violating section 1105-A, 1105-B, 1105-C, 1105-D or 1118-A; and [PL 2019, c. 113, Pt. B, §16 (NEW).]

B. The court finds that the individual's background, attitude and prospects for rehabilitation and the nature of the victim and the offense indicate that imposition of a sentence under subsection 1 would frustrate the general purposes of sentencing set forth in section 1501. [PL 2019, c. 113, Pt. B, §16 (NEW).]

If the court imposes a sentence under this subsection, the court shall state in writing or on the record its reasons for its findings and for imposing a sentence under this subsection rather than under subsection 1.

[PL 2019, c. 113, Pt. B, §16 (NEW).]

3. Reduced mandatory minimum term of imprisonment. If the court imposes a sentence under subsection 2, the minimum term of imprisonment, which may not be suspended, is as follows:

A. When the sentencing class is Class A, the minimum term of imprisonment is 9 months; [PL 2019, c. 113, Pt. B, §16 (NEW).]

B. When the sentencing class is Class B, the minimum term of imprisonment is 6 months; and [PL 2019, c. 113, Pt. B, §16 (NEW).]

C. With the exception of trafficking or furnishing marijuana under section 1105-A or 1105-C, when the sentencing class is Class C, the minimum term of imprisonment is 3 months. [PL 2019, c. 113, Pt. B, §16 (NEW).]

[PL 2019, c. 113, Pt. B, §16 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. B, §16 (NEW).

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