MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 729

H.P. 535

House of Representatives, February 14, 2003

An Act To Clarify the Standard for Review of Preconviction Bail

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLS of Cornville. Cosponsored by Representative MILLS of Farmington and Representative: NORBERT of Portland.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §1028, sub-§1, ¶B, as enacted by PL 1987, c.
758, §20, is amended to read:

B. The petition and such other papers as may accompany it shall must be delivered to the clerk of the Superior Court to which the defendant is transported and upon receipt the clerk shall notify the attorney for the State. The petition shall—have has priority over any other matter before the Justice of the Superior Court. The Superior Court Justice considering the petition shall issue an order in accordance with section 1026, which may include reducing bail to personal recognizance, increasing or decreasing bail to a different amount, eliminating bail conditions or imposing new bail conditions.

SUMMARY

This bill clarifies that a Superior Court Justice petitioned to review a District Court Judge's or bail commissioner's determination of bail has the authority to reduce bail to personal recognizance, increase or lower bail to a different amount, eliminate bail conditions or impose new bail conditions.