

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1684

H.P. 1119

House of Representatives, April 17, 2025

**An Act to Exclude from Eligibility for a Community Confinement
Monitoring Program a Person Serving a Sentence for Certain
Domestic Violence Crimes**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DOUDERA of Camden.

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

2 **Sec. 1. 30-A MRSA §1659-A, sub-§2, ¶C-1**, as enacted by PL 2023, c. 250, §2,
3 is amended to read:

4 C-1. The inmate is not serving a sentence for a crime against a family or household
5 member as defined in Title 19-A, section 4102, subsection 6, unless the crime is not an
6 offense described in paragraph C-2 and the jail administrator has determined that the
7 inmate is not reasonably likely to pose a risk to the safety of others in the community
8 after the jail administrator has:

9 (1) Reviewed the available criminal history record of the inmate to, at a minimum,
10 identify any patterns of behavior that may indicate the inmate poses a risk to the
11 safety of others in the community;

12 (2) Reviewed and considered any other available evidence that the inmate poses a
13 risk to the safety of others in the community, including the results of any validated,
14 evidence-based domestic violence risk assessment that has been completed by law
15 enforcement in accordance with Title 19-A, section 4114, subsection 6, paragraph
16 E as part of the criminal case for which the inmate is incarcerated;

17 (3) Made a good faith and documented effort to contact the victim of the crime for
18 which the inmate is incarcerated to inform the victim of the inmate's application to
19 participate in a community confinement monitoring program and inquire about any
20 concerns the victim has for the victim's safety or the safety of any member of the
21 victim's household in connection to the inmate's application to participate in a
22 community confinement monitoring program;

23 (4) Considered any concerns provided pursuant to subparagraph (3) by the victim
24 of the crime for which the inmate is incarcerated;

25 (5) Provided notice to the district attorney of the county in which the conviction
26 was entered and a local domestic violence resource center; and

27 (6) Certified that each of the requirements in this subsection has been met. The
28 certification must be on a form recommended by the inspections division of the
29 Department of Corrections and must:

30 (a) Include details regarding any concerns provided pursuant to subparagraph
31 (3) by the victim of the crime for which the inmate is incarcerated, unless the
32 victim has requested otherwise;

33 (b) Be signed by the jail administrator; and

34 (c) Be provided to the sheriff for review prior to the sheriff's approving
35 assignment of the inmate to a community confinement monitoring program.

36 If a sheriff assigns an inmate serving a sentence for a crime against a family or
37 household member as defined in Title 19-A, section 4102, subsection 6 to a community
38 confinement monitoring program, a representative from the county jail to which the
39 inmate has been sentenced shall make a good faith attempt to notify the victim of that
40 crime of the assignment at least 10 days prior to the inmate's release from the county
41 jail. Notification of the victim under this paragraph must be made both by mail and by
42 phone or in person;

Sec. 2. 30-A MRSA §1659-A, sub-§2, ¶C-2 is enacted to read:

C-2. The inmate is not serving a sentence for any offense against a family or household member or dating partner in violation of Title 17-A, section 208-D, 208-E or 208-F;

Sec. 3. 34-A MRS §3036-A, sub-§2, ¶E is enacted to read:

E. A prisoner may not be transferred to supervised community confinement if the prisoner is serving a term of imprisonment for any offense against a family or household member or dating partner in violation of Title 17-A, section 208-D, 208-E or 208-F.

SUMMARY

This bill amends the provisions of law governing community confinement monitoring programs and supervised community confinement monitoring programs available to inmates of county jails and prisoners of the Department of Corrections, respectively. The bill provides that transfer to a community confinement monitoring program or supervised community confinement monitoring program is not available to an inmate or prisoner who is serving a sentence for domestic violence aggravated assault, domestic violence elevated aggravated assault or domestic violence elevated aggravated assault on a pregnant person.