

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 995

H. P. 822

House of Representatives, March 15, 1977

On motion of Mr. Spencer of Standish, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Connors of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Deny Release Pending Trial to Certain Alleged Repeat
Offenders.

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

15 MRSA § 943 is enacted to read:

§ 943. Denial of release to certain alleged repeat offenders

1. Denial of release. Notwithstanding section 942, no judge or bail commissioner shall release a person who is bound over to, or has been indicted by, a grand jury on a charge of committing a Class A, B or C crime while the person was released pending trial on another charge of committing a Class A, B or C crime.

2. Limitations. A person detained under this section, shall be tried for the prior offense within 90 days of the date of this detention; provided that any actions by the defense which extend the trial date beyond the limitation of this section shall not result in the release of the accused.

If the accused is acquitted on the first charge, he shall promptly be released pending trial on the second charge.

STATEMENT OF FACT

Many police officers attribute the growing crime rate in part to career criminals, who commit crime after crime. These criminals, when arrested, often make bail and are free to continue breaking the law while awaiting trial.

The intent of this bill is to deny bail to a person who allegedly commits a Class A, B or C crime while on release pending trial for the commission of another Class A, B or C crime.

Presently, Title 15, section 942, subsection 1, paragraph J, enacted in 1975, states that a 2nd offense, committed while a person is on release for a prior offense, is only a factor to be considered by the judge or bail commissioner in determining the amount of bail.

This bill changes bail procedure only with respect to alleged repeat offenders of serious crime. The bill also protects the interests of the defendant, however, by providing for trial within 90 days of the date of the detention.