

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 890

6
7 H.P. 701

House of Representatives, February 25, 1983

8 Referred to the Committee on Judiciary. Sent up for concurrence and
9 ordered printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Connolly of Portland.
Cosponsor: Representative Joyce of Portland.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Relating to Bail Commissioners.
18

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

21 Sec. 1. 15 MRSA §942, sub-§1, as amended by PL
22 1979, c. 663, §103, is further amended to read:

23 1. Factors in the release decision. Any person
24 charged with an offense, other than an offense pun-
25 ishable by life imprisonment, shall at his appearance
26 before a Judge of the District Court, or bail commis-
27 sioner, be ordered released pending trial on his per-
28 sonal recognizance or on execution of an unsecured
29 bond which shall be in writing signed by ~~said~~ the
30 person on forms approved by the Chief Judge of the
31 District Court, unless ~~said~~ the judge or bail commis-
32 sioner determines in the exercise of his discretion
33 that ~~such~~ the release will not reasonably assure the
34 appearance of the person as required. In his deter-

1 mination, said judge or bail commissioner shall, on
2 the basis of any reliable information which can be
3 obtained, take into account the following factors:
4 The official having custody of the accused shall
5 promptly notify a judge or bail commissioner. The
6 judge or bail commissioner shall interview the ac-
7 cusced prior to making his determination as to release
8 on personal recognizance or bond. In making that
9 determination, he shall, on the basis of an interview
10 with the accused and other reliable information which
11 can be obtained, take into account the following fac-
12 tors:

13 A. The nature and circumstances of the offense
14 charged;

15 B. The accused's family ties in the State of
16 Maine;

17 C. The accused's length of residence in the com-
18 munity;

19 D. Employment of the accused in the State of
20 Maine;

21 E. Any previous flight by the accused to avoid
22 arrest or prosecution for this or any prior
23 alleged offense;

24 F. Any previous unexcused failure to appear as
25 required to answer prior criminal charges;

26 G. The accused's financial ability to give bail;

27 H. The accused's record of convictions;

28 I. The fact that the offense is alleged to have
29 been committed while the person charged was on
30 probation or parole from a previous sentence as a
31 reason for requiring more stringent bail; and

32 J. The fact that such offense is alleged to have
33 been committed while the person charged was
34 released under this section pending further court
35 proceedings for the alleged commission of another
36 felony offense as a reason for requiring more
37 stringent bail. If the accused is not released

1 to interview the accused regarding the relevant fac-
2 tors which the judge or bail commissioner must con-
3 sider in making his decision.

4 This bill establishes a sworn statement of indi-
5 gency and requires the State to pay the bail commis-
6 sioner's fees of an indigent.

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