

1 2	FIRST REGULAR SESSION	
3	ONE HUNDRED AND ELEVENTH LEGISLATURE	
5	Legislative Document No. 8	90
7	H.P. 701 House of Representatives, February 25, 19	83
8	Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.	
10	EDWIN H. PERT, Cle	erk
11	Presented by Representative Connolly of Portland. Cosponsor: Representative Joyce of Portland.	
12 13	STATE OF MAINE	
14 15 16	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-THREE	
17 <b>18</b>	AN ACT Relating to Bail Commissioners.	
19 20	Be it enacted by the People of the State of Maine a follows:	is
21 22	Sec. 1. 15 MRSA §942, sub-§1, as amended by F 1979, c. 663, §103, is further amended to read:	٢
23 24 25	1. <u>Factors in the release decision</u> . Any perso charged with an offense, other than an offense pur ishable by life imprisonment, shall at his appearance	ı- ce
26 27 28	before a Judge of the District Court, or bail commis sioner, be ordered released pending trial on his per sonal recognizance or on execution of an unsecure	ed.
29 30 31 32	bond which shall be in writing signed by said the person on forms approved by the Chief Judge of the District Court, unless said the judge or bail commissioner determines in the exercise of his discretion	ie s-
32 33 34	that such the release will not reasonably assure that appearance of the person as required. In his deter	ne

1 mination, said judge or bail commissioner shall , on the basis of any reliable information which can be 2 3 obtained, take into account the following factors: 4 The official having custody of the accused shall promptly notify a judge or bail commissioner. 5 The 6 judge or bail commissioner shall interview the ac-7 cused 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 with the accused and other reliable information which 10 can be obtained, take into account the following fac-11 12 tors: 13 The nature and circumstances of the offense Α. 14 charged; 15 The accused's family ties in the State of Β. 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; Any previous flight by the accused to avoid 21 Ε. 22 arrest or prosecution for this or any prior 23 alleged offense; 24 Ε. Any previous unexcused failure to appear as 25 required to answer prior criminal charges; 26 The accused's financial ability to give bail; G. 27 Η. The accused's record of convictions; 28 The fact that the offense is alleged to have Ι. been committed while the person charged was on 29 30 probation or parole from a previous sentence as a 31 reason for requiring more stringent bail; and 32 The fact that such offense is alleged to have J. been committed while the person charged was 33 released under this section pending further court 34 35 proceedings for the alleged commission of another felony offense as a reason for requiring more 36 stringent bail. If the accused is not released 37

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1 on his personal recognizance or on execution of an unsecured bond, the judge or bail commissioner 2 3 shall state in writing why release on personal 4 recognizance is not appropriate. 5 The judge or bail commissioner shall inform the accused of the penalties provided by subsection 4 if he 6 7 should fail without just cause to appear before any court or judicial officer as required. If the ac-cused does not want to be released on bail, the ac-8 9 cused shall sign a waiver to that effect. 10 §942, sub-§1-A is enacted to 11 Sec. 2. 15 MRSA 12 read: 13 1-A. Indigent accused person. Release on personal recognizance or bond for any indigent accused 14 person shall be as follows. 15 16 A. If it appears to the judge or the bail com-17 missioner that the accused does not have suffi-18 cient means to pay the bail commissioner, the ac-19 cused shall prepare a sworn affidavit to that 20 effect. This affidavit shall be filed with the 21 clerk of the District Court. 22 B. No person may be denied release on personal recognizance or on an unsecured or secured appearance bond on the basis of his inability to 23 24 pay the bail commissioner's fee. The bail com-25 missioner's fee for an indigent Who has prepared a sworn statement of his inability to pay that 26 27 fee shall be paid by the District Court. If it 28 is determined by the District Court that the ac-29 cused has sufficient means to pay that fee, he 30 31 shall be required to reimburse the District Court 32 for that amount. 33 STATEMENT OF FACT

This bill requires the detaining officials to notify a bail commissioner or judge whenever anyone is arrested for a bailable offense. It requires a bail commissioner or judge to meet personally with the accused prior to making his determination regarding release of the accused. It also requires them to interview the accused regarding the relevant factors which the judge or bail commissioner must consider 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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