

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 1848

S.P. 658

In Senate, January 4, 1984

Reference to the Committee on Judiciary. Ordered printed and sent down for concurrence.

Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Trafton of Androscoggin.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-FOUR

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AN ACT Providing for Change of Venue in  
Criminal Cases.

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

15 MRSA §1, last ¶, as enacted by PL 1975, c. 337, §3, is amended to read:

The Supreme Judicial Court may by rule provide that, ~~with the consent of the defendant, criminal prosecutions~~ post-arraignment proceedings in criminal cases may be conducted at locations other than those provided by ~~law~~ in this section.

STATEMENT OF FACT

This bill provides that the Supreme Judicial Court may promulgate a rule to authorize the transfer of a criminal case from one county to another without

1 consent of the defendant, in furtherance of the Con-  
2 stitution of Maine, Article I, Section 6, which  
3 states in part that an accused has the right "to have  
4 a speedy, public and impartial trial ... by a jury of  
5 the vicinity."

6 It has been customary in Maine to try defendants  
7 in the county where the crime is alleged to have oc-  
8 curred. Because of backlogs in some courts, some de-  
9 fendants have refused to consent to a change of venue  
10 to another court so as to intentionally delay their  
11 cases coming to trial. In some other instances, the  
12 scene of the alleged crime is much closer to a shire  
13 town in an adjoining county than the shire town of  
14 the county where the crime occurred. Requiring the  
15 permission of the defendant to change venue in such  
16 cases is an impediment to sound judicial administra-  
17 tion.

18 By permitting the Supreme Judicial Court to  
19 promulgate a rule permitting transfer of certain  
20 criminal cases to other, less crowded courts, crimi-  
21 nal defendants will be more likely to obtain a speedy  
22 trial in a court that is within the vicinity of where  
23 the crime is alleged to have taken place.

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