

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1874

6
7 H.P. 1429

House of Representatives, January 10, 1984

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

10 Reference to the Committee on Judiciary is suggested and ordered
printed.

EDWIN H. PERT, Clerk

11 Presented by Representative Foster of Ellsworth

12 STATE OF MAINE
13

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

17 AN ACT Concerning Interviews of
18 Accused Persons by Bail Commissioners
19 or Judges.
20

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

23 15 MRSA §942, sub-§1, as amended by PL 1983, c.
24 429, §1, is further amended to read:

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

1 the person as required. The official having custody
2 of the accused shall promptly notify a judge or bail
3 commissioner. The judge or bail commissioner ~~shall~~
4 may interview the accused prior to making his deter-
5 mination as to release on personal recognizance or
6 bond. In making that determination, he shall, on the
7 basis of an interview with the accused and if an in-
8 terview is held, and other reliable information which
9 can be obtained, take into account the following fac-
10 tors:

11 A. The nature and circumstances of the offense
12 charged;

13 B. The accused's family ties in the State of
14 Maine;

15 C. The accused's length of residence in the com-
16 munity;

17 D. Employment of the accused in the State of
18 Maine;

19 E. Any previous flight by the accused to avoid
20 arrest or prosecution for this or any prior al-
21 leged offense;

22 F. Any previous unexcused failure to appear as
23 required to answer prior criminal charges;

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

25 H. The accused's record of convictions;

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

30 J. The fact that such offense is alleged to have
31 been committed while the person charged was re-
32 leased under this section pending further court
33 proceedings for the alleged commission of another
34 felony offense as a reason for requiring more
35 stringent bail.

1 The judge or bail commissioner shall inform the ac-
2 cused of the penalties provided by subsection 4, if
3 he should fail without just cause to appear before
4 any court or judicial officer as required.

5

STATEMENT OF FACT

6 This bill removes the requirement that bail com-
7 missioners or judges interview an accused prior to
8 making a determination as to release on personal re-
9 cognizance or bond. The bill allows them to use oth-
10 er information on which to base their determination
11 where an interview is not practical or advisable.

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