

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2185

7 H.P. 1655

House of Representatives, March 6, 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

Presented by Representative Brannigan of Portland.

11 Cosponsors: Representative Benoit of So. Portland, Senator Brown of
Washington and Representative Livesay of Brunswick.

12 STATE OF MAINE
13

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

17 AN ACT to Amend the Laws Regarding Bail.
18

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

21 Sec. 1. 15 MRSA §§813 and 814 are enacted to
22 read:

23 §813. State's attorney present at arraignment

24 An attorney for the State shall be present at the
25 arraignment of all persons charged with murder or a
26 Class A, B or C crime.

27 §814. Criminal record available for bail determina-
28 tion

29 A judge or bail commissioner, before making a de-
30 termination as to release on personal recognizance or
31 on execution of a secured or unsecured bond of a per-
32 son accused of murder or a Class A, B or C crime,

1 shall review the criminal record, if any, of the ac-
2 cused. An attorney for the State or a law enforce-
3 ment officer shall make the criminal record of the
4 accused available prior to the judicial determination
5 of bail.

6 Sec. 2. 15 MRSA §851, as amended by PL 1965, c.
7 356, §33 is further amended by adding at the end a
8 new paragraph to read:

9 Any person who offers real estate as surety for
10 the appearance before a court of a person accused of
11 murder or a Class A, B or C crime shall be required
12 to file a bail lien with the register of deeds in the
13 county where the real estate lies and shall be re-
14 quired to file a copy of that lien with the judge who
15 set bail. Failure to file a copy of the bail lien
16 shall render the surety insufficient and bail shall
17 be revoked pending presentation of sufficient sure-
18 ties to the court.

19 Sec. 3. 15 MRSA §942, sub-§1-A, as enacted by PL
20 1983, c. 429, §2 is amended to read:

21 1-A. Denial of release on personal recognizance
22 or unsecured bond; statement required. If the ac-
23 cused is not released on his personal recognizance or
24 on execution of an unsecured bond, the bail commis-
25 sioner shall state in writing why release on personal
26 recognizance is not appropriate. If a person accused
27 of murder or a Class A, B or C crime is released on
28 his personal recognizance or on execution of an unse-
29 cured bond, the judge shall state in writing why re-
30 lease was appropriate.

31 Sec. 4. 15 MRSA §942, sub-§5 is enacted to read:

32 5. Violation of a condition of release. Any
33 person charged with an offense who has been ordered
34 released pending trial who violates a condition of
35 release is guilty of a Class E crime. Bail is imme-
36 diately revoked pending a new bail hearing.

37 Sec. 5. Study. In order to ensure the availa-
38 bility of accurate and complete criminal history
39 record information to allow criminal justice offici-
40 cials to make informed decisions, the joint standing

1 committee having jurisdiction over the judiciary is
2 directed to study the systems, methods, and purposes
3 for reporting and disseminating criminal history
4 record information. The committee shall submit its
5 report, together with any suggested legislation, to
6 the Legislature by January 15, 1985. The report
7 shall determine the needs of the state in regard to
8 receiving and disseminating criminal history record
9 information, assess the current delivery system for
10 criminal history records, and make recommendations
11 concerning the establishment and implementation of a
12 criminal history record information system which will
13 adequately meet the needs of the state to provide ac-
14 curate and complete criminal history record informa-
15 tion in a timely and efficient manner. The committee
16 shall specifically evaluate the desirability of es-
17 tablishing a computer based information system for
18 law enforcement agencies throughout the State.

19

STATEMENT OF FACT

20 This bill amends the bail statutes to provide
21 that:

22 A judge shall review the complete criminal record
23 of a person accused of murder or a Class A, B or C
24 crime before making his determination regarding re-
25 lease;

26 When real estate is used as a surety for bail in
27 cases involving murder or a Class A, B or C crime, it
28 shall be recorded with the register of deeds as a
29 bail lien;

30 A judge who releases a person accused of murder
31 or a Class A, B or C crime on personal recognizance
32 or on execution of a secured bond shall state in
33 writing why release was appropriate;

34 Any person charged with violation of a condition
35 of release is guilty of a Class E crime and bail is
36 automatically revoked;

37 The Judiciary Committee shall study the needs of
38 the state in regard to criminal history record infor-
39 mation dissemination and report to the Legislature on

1 the establishment and implementation of a system de-
2 signed to provide complete and accurate information
3 to law enforcement.

4 In addition, this bill requires an attorney from
5 the State to be present at all arraignments for mur-
6 der or Class A, B or C crimes.

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