

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1860

6
7 H.P. 1325

House of Representatives, January 15, 1986

8 Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 26.

9 Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Brannigan of Portland.

Cosponsored by Representative Cooper of Windham, Representative
Allen of Washington and Senator Tuttle of York.

11
12 STATE OF MAINE
13

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

17 AN ACT to Require Criminal History Record
18 Information Prior to the Bailing of
19 Certain Offenders.
20

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

23 15 MRSA §942, sub-§2-A is enacted to read:

24 2-A. Criminal history record information. A
25 judge or bail commissioner may not determine to re-
26 lease an accused under subsection 1 or 2 unless the
27 judge or bail commissioner, prior to making the de-
28 termination, has received and reviewed any criminal
29 history record information, as defined in Title 16,
30 section 611, subsection 3, existing on the accused
31 and maintained by the State Bureau of Identification,
32 if the accused is charged with any of the following
33 offenses:

34 A. A Class A crime, as that classification is
35 defined in Title 17-A, the Maine Criminal Code;

1 B. A Class B crime, as that classification is
2 defined in Title 17-A, the Maine Criminal Code;

3 C. A Class C crime, as that classification is
4 defined in Title 17-A, the Maine Criminal Code;
5 or

6 D. A crime committed with a dangerous weapon, as
7 defined in Title 17-A, section 2, subsection 9.

8 This subsection is effective January 1, 1987, except
9 that paragraphs B, C and D are effective January 1,
10 1988.

11 STATEMENT OF FACT

12 This bill requires a judge or bail commissioner
13 making a decision concerning release of an accused
14 pending trial to receive and review criminal history
15 record information on the accused prior to making
16 that decision if the accused is charged with a seri-
17 ous offense. Information on the criminal history of
18 a person is critical to the determinations judges and
19 bail commissioners must make when deciding if, and on
20 what conditions, a person charged with a crime can be
21 released from custody pending trial. Access to and
22 use of this information is particularly important
23 when the judge or bail commissioner is making a re-
24 lease decision concerning persons charged with seri-
25 ous offenses, offenses punishable by at least 5 years
26 of imprisonment or committed with the use of a dan-
27 gerous weapon, which use exposes the person to a pos-
28 sibility of more severe punishment than would be pos-
29 sible if the crime were committed without the danger-
30 ous weapon. If a person charged with a serious of-
31 fense has a prior criminal record, the likelihood of
32 lengthy imprisonment upon conviction for the new seri-
33 ous offense increases. A judge or bail commissioner
34 must know these circumstances if he or she is to make
35 an appropriate assessment of whether the accused will
36 appear for trial if released and what amount of bail
37 or other conditions will assure the accused's appear-
38 ance.

1 This bill recognizes that the State Bureau of
2 Identification must have the capability to supply the
3 information required by this bill before the new pro-
4 visions can be effective. The bill establishes 2 ef-
5 fective dates. The first effective date of January 1,
6 1987, applies to persons charged with Class A crimes.
7 The 2nd effective date of January 1, 1988, adds the
8 additional categories of persons charged with Class B
9 or Class C crimes, or crimes committed with a danger-
10 ous weapon. These delayed and staggered effective
11 dates permit the bureau to prepare itself to meet the
12 new informational requirements for bail decisions and
13 permit the State to establish a computer system with-
14 in the bureau, if necessary, to meet these informa-
15 tional requirements.

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