

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1686

H.P. 1214

House of Representatives, May 23, 1989

Submitted by the Department of Corrections pursuant to Joint Rule 24.
Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Augusta.

Cosponsored by Representative MacBRIDE of Presque Isle, Representative MAYO of Thomaston and Representative HEPBURN of Skowhegan.

STATE OF MAINE

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

**An Act to Authorize a Probation Officer to Bring an Ex Parte Motion
to Change the Conditions of Probation.**



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

3 17-A MRSA §1202, sub-§2, as enacted by PL 1975, c. 499, §1,
5 is amended to read:

7 2. During the period of probation specified in the sentence
9 made pursuant to subsection 1, and upon application of a person
11 on probation, his the person's probation officer, or upon its own
13 motion, the court may, after a hearing upon notice to the
15 probation officer and the person on probation, modify the
requirements imposed, add further requirements authorized by
section 1204, or relieve the person on probation of any
requirement that, in its opinion, imposes on the person an
unreasonable burden ~~on him~~.

17 Notwithstanding this subsection, the court may grant, ex parte, a
19 motion brought by the probation officer to add further
21 requirements if the requirements are immediately necessary to
23 protect the safety of an individual or the public and if all
25 reasonable efforts have been made to give written or oral notice
27 to the person on probation. Any requirements added pursuant to
an ex parte motion do not take effect until written notice of the
requirements is given to the person on probation. Upon the
probationer's request and on 2 days' notice to the probation
officer, or on such shorter notice as the court may prescribe,
the court shall hold a hearing on the added requirements.

29 **STATEMENT OF FACT**

31 Currently the Division of Probation and Parole has the
33 authority in parole cases to quickly add additional conditions of
35 parole deemed necessary to protect the public or a member of the
37 public. This bill allows the Division of Probation and Parole to
request additional probation requirements that are necessary to
protect the public. Provision is made for the probationer to
request a hearing on any new requirement thus imposed.