

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1270

H.P. 879

House of Representatives, March 25, 1991

Reference to the Joint Select Committee on Corrections suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MANNING of Portland.

Cosponsored by Representative ANTHONY of South Portland, Senator BUSTIN of Kennebec and Senator GAUVREAU of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Establish a Home-Release Monitoring Program for Certain
Inmates Sentenced to County Jails.**



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

4 30-A MRSA §1607 is enacted to read:

6 §1607. Home-release monitoring program

8 The sheriff of each county may establish and maintain a
10 home-release monitoring program to permit certain inmates,
12 approved by the court in which they were sentenced, to be
14 released and monitored electronically by the county and to live
16 at their residences as a portion of the term of incarceration.

18 1. Petition. A sheriff, upon written request from an
20 inmate eligible for participation in a home-release monitoring
22 program and recommended by the jail administrator, may petition
24 the court in which the inmate was sentenced for authorization to
26 electronically monitor and to release the inmate to participate
28 in a home-release monitoring program established in that county.
30 Unless the court expressly grants the privilege of home release,
32 the inmate is sentenced to ordinary confinement. The court may
34 withdraw the privilege of home release at any time by order
36 entered with or without notice of hearing. At the time of
38 granting this privilege, the court shall determine whether the
40 inmate is responsible for the cost of participating in the
42 home-release program based on the inmate's ability to pay.

44 2. Eligibility. Inmates are eligible to participate in a
46 home-release monitoring program if:

48 A. The inmate's residence is located in a county in which a
50 home-release monitoring program is established;

52 B. The offense for which the inmate is serving a sentence
54 is a Class C, D or E crime or an offense under the inland
56 fisheries and wildlife or motor vehicle laws;

58 C. The inmate has no history of escape or violent behavior
60 and has a verified security classification level of medium
62 or minimum;

64 D. The inmate serves a minimum of 2/3 of that inmate's
66 confinement prior to participating in a home-release
68 monitoring program; and

70 E. The inmate agrees to abide by the conditions of release
72 pursuant to this section and any additional conditions
74 imposed by the sheriff or jail administrator.

76 3. Participation requirements. The following requirements
78 apply to any inmates participating in a home-release monitoring
80 program.

2 A. Each inmate released pursuant to this section must be
4 involved in a structured program of work, education or
treatment. Participation in a home-release monitoring
program may not be solely for the purpose of living at home.

6 B. At a minimum, an inmate must be supervised on an
8 intermittent basis or monitored electronically during
10 release or curfew hours when the inmate must be at that
inmate's residence or place of employment as determined by
the jail administrator.

12 C. The jail administrator, or a designee, must approve in
14 advance any travel or movement restrictions limiting the
inmate's travel to specific times and places directly
16 related to approved employment, formal education, job
search, public service work, treatment or other specific
18 purposes.

20 D. The inmate must agree to searches of the inmate's
22 person, residence, electronic monitoring equipment, papers
and effects without a warrant and without probable cause,
24 for items prohibited by law or by condition of participation
in the program or otherwise subject to seizure or
26 inspection, upon the request of the jail administrator, or
designee, without prior notice. The sheriff or jail
28 administrator may prohibit the inmate from residing with
anyone who does not consent to a search or inspection of the
30 inmate's person, residence, electronic equipment, papers and
effects.

32 E. The inmate may not use illegal drugs or other substances
34 and may not abuse alcohol or any other legal substance.

36 F. The inmate must submit to urinalysis, breath testing or
other chemical test without probable cause, at the request
38 of the jail administrator or a designee.

40 G. The inmate must notify the arresting law enforcement
officer of that inmate's status as an inmate participating
42 in a home-release monitoring program and the inmate must
notify the jail administrator, or designee, within 12 hours
44 of any such contact.

46 H. The inmate may not violate state or federal criminal law
or any conditions of the inmate's release.

48 I. When required by the court, an inmate must pay the cost
50 for the inmate's participation in a home-release monitoring
program.

2 J. The inmate must sign a statement verifying that the
3 inmate understands and agrees to all of the conditions of
4 release and participation in a home-release monitoring
5 program.

6 4. Termination of the privilege. The sheriff, jail
7 administrator or a designee may terminate an inmate's
8 participation in a home-release monitoring program at any time
9 and return the inmate to confinement for any violation of the
10 conditions of the inmate's release. Any inmate whose
11 participation is terminated may petition the District Court or
12 the Superior Court for a review of that termination. The court,
13 after review, shall make an order that the court considers
14 appropriate.

15 5. Violation. An inmate who willfully violates a condition
16 of that inmate's release pursuant to this section may be punished
17 by imprisonment for not more than 60 days for each violation and
18 that period of time must be served consecutively to any other
19 period of confinement. An inmate who leaves or fails to return
20 within 12 hours to that inmate's residence or other designated
21 area in which that inmate is electronically monitored or
22 supervised is guilty of escape under Title 17-A, section 755.
23

24 6. Minimum standards for electronic monitoring. The
25 Commissioner of Corrections shall establish minimum standards for
26 electronic monitoring and may enforce those standards as provided
27 under Title 34-A, section 1208.
28

29 7. Calculation of period of imprisonment. Inmates
30 participating in a home-release monitoring program are not
31 entitled to receive deductions in their terms of imprisonment
32 pursuant to Title 17-A, section 1253, for the period of time they
33 are released pursuant to this section.
34

35 8. Program funding. Funds generated pursuant to this
36 section must be used to support the home-release monitoring
37 program. The county treasurer shall establish a home-release
38 monitoring program account for all revenues generated and
39 expenditures made. Funds in this account unexpended at the end
40 of the year may not lapse, but must be carried forward.
41 Home-release monitoring program funds must be accounted for
42 through the normal budget process.
43
44

45 STATEMENT OF FACT

46
47 This bill provides statutory authority for counties to
48 establish a community home-release monitoring program for certain
49 inmates of correctional institutions.
50