

# MAINE STATE LEGISLATURE

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R.S.  
L.D. 1571

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CRIMINAL JUSTICE

Reported by: Minority

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STATE OF MAINE  
SENATE  
118TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to S.P. 509, L.D. 1571, Bill, "An Act to Amend the Maine Bail Code"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 15 MRSA §1002, last ¶, as enacted by PL 1987, c. 870, §1, is amended to read:

It is the purpose and intent of this chapter that bail be set for a defendant in order to reasonably ensure the appearance of the defendant as required, to otherwise reasonably ensure the integrity of the judicial process and, when applicable, to reasonably ensure the safety of others in the community. ~~Finally,--it~~ It is also the purpose and intent of this chapter that the judicial officer consider, relative to crimes bailable as of right preconviction, the least restrictive release alternative ~~which that~~ that will reasonably ensure the attendance of the defendant as required, or otherwise reasonably ensure the integrity of the judicial process. Finally, it is also the intent and purpose of this chapter that a defendant, while at liberty on bail, refrain from committing new crimes.

Sec. 2. 15 MRSA §1002, as amended by PL 1987, c. 870, §1, is further amended by adding at the end 2 new paragraphs to read:

The Legislature finds that personal recognizance bail or an unsecured appearance bond should not be available for offenders who have a pending charge.

2           The Legislature further believes that, as a matter of public  
3           policy, personal recognizance bail or an unsecured appearance  
4           bond should not be available to repeat offenders or to those who  
5           commit serious crimes.

6           **Sec. 3. 15 MRSA §1003, sub-§1, ¶A,** as amended by PL 1987, c.  
7           870, §2, is further amended to read:

10           A. In the preconviction context, "bail" means the obtaining  
11           of the release of the defendant upon an undertaking that the  
12           defendant shall appear at the time and place required and  
13           ~~may include conditions, that the defendant shall conform to~~  
14           any condition imposed, in accordance with section 1026,  
15           designed to ensure the integrity of the judicial process and  
16           ~~that the defendant shall refrain from any new criminal~~  
17           conduct. For crimes bailable only as a matter of discretion  
18           preconviction, bail may also ~~include conditions~~ means the  
19           obtaining of the release of the defendant upon an  
20           undertaking that the defendant shall conform to each  
21           condition that is designed to ensure the safety of others in  
22           the community.

24           **Sec. 4. 15 MRSA §1003, sub-§1, ¶B,** as enacted by PL 1987, c.  
25           758, §20, is amended to read:

26           B. In the post-conviction context, "bail" means the  
27           obtaining of the release of the defendant upon an  
28           undertaking that the defendant shall appear and surrender  
29           into custody at the time and place required, ~~that the~~  
30           defendant shall refrain from any new criminal conduct and  
31           ~~may include conditions that the defendant shall conform to~~  
32           each condition imposed that is designed to otherwise ensure  
33           the integrity of the judicial process ~~or~~ and to ensure the  
34           safety of others in the community.

36           **Sec. 5. 15 MRSA §1003, sub-§5,** as enacted by PL 1987, c. 758,  
37           §20, is repealed and the following enacted in its place:

40           **5. Ensure the integrity of the judicial process.** To  
41           "ensure the integrity of the judicial process," when used in the  
42           context of the granting or denial of bail, means:

44           A. Safeguarding the role of the courts in adjudicating the  
45           guilt or innocence of defendants by ensuring the presence of  
46           the defendant in court and otherwise preventing the  
47           defendant from obstructing or attempting to obstruct justice  
48           by threatening, injuring or intimidating a victim,  
49           prospective witness, juror, attorney for the State, judge,  
50           justice or other officer of the court or otherwise affecting  
              public safety; and

2           B. Accurately ensuring that the defendant will comply with  
4           conditions of release and the court's order to refrain from  
6           new criminal conduct by giving due consideration to the  
8           defendant's prior criminal record and prior failures to obey  
10           bail conditions; probation conditions; and other court  
          orders, including, but not limited to, violating protection  
          from abuse orders pursuant to Title 19, section 769 or Title  
          19-A, section 4011.

12           **Sec. 6. 15 MRSA §1003, sub-§8-A is enacted to read:**

14           **8-A. New criminal conduct.** "New criminal conduct" refers  
16           to criminal activity by a defendant occurring after bail has been  
          set.

18           **Sec. 7. 15 MRSA §1026, as amended by PL 1995, c. 356, §5, is**  
          further amended to read:

20           **§1026. Standards for release for crime bailable as of right**  
          **preconviction**

22           **1. In general.** At the initial appearance before a judicial  
24           officer of a defendant in custody for a crime bailable as of  
26           right preconviction, the judicial officer shall may issue an  
          order that, pending trial, the defendant be released:

28           A. On personal recognizance or upon execution of an  
30           unsecured appearance bond under subsection 2; ~~or~~

32           B. On a condition or combination of conditions under  
          subsection 3-; or

34           C. On personal recognizance or execution of an unsecured  
36           appearance bond, accompanied by one or more conditions under  
          subsection 3.

38           Every order for the pretrial release of any defendant shall must  
40           include a waiver of extradition by the defendant and the  
42           conditions that the defendant refrain from new criminal conduct  
          and not violate any pending protection from abuse orders pursuant  
          to Title 19, section 769 or Title 19-A, section 4011.

44           **2. Release on personal recognizance or unsecured appearance**  
46           **bond.** The judicial officer shall may order the pretrial release  
48           of the defendant on personal recognizance or upon execution of an  
          unsecured appearance bond in an amount specified by the judicial  
50           officer, ~~unless the judicial officer determines that the release~~  
          ~~will not reasonably ensure the appearance of the defendant as~~  
          ~~required or will not otherwise reasonably ensure the integrity of~~

the--judicial--process. Before any defendant is released on personal recognizance or an unsecured appearance bond, the judicial officer must determine that the defendant will appear as required and that the defendant's release will not otherwise affect the integrity of the judicial process.

The judicial officer may not order the pretrial release of the defendant on personal recognizance or upon execution of an unsecured appearance bond on new criminal conduct if the defendant has pending criminal charges.

In determining whether the pretrial release of the defendant on personal recognizance or upon execution of an unsecured appearance bond is appropriate, the judicial officer shall consider:

A. The defendant's prior criminal history, including, but not limited to, whether the defendant has previously violated conditions of release, whether the defendant has been or is on probation and whether the defendant has previously violated court orders, such as protection from abuse orders pursuant to Title 19, section 769 or Title 19-A, section 4011;

B. The severity, nature and circumstances of the crime charged;

C. The defendant's failures to appear when required;

D. The defendant's failure to pay fines;

E. Any other factors that may enhance a sentence of incarceration; and

F. Any other factors that may be considered relevant to the judicial officer, including, but not limited to, those enumerated in subsection 4.

In considering all the factors enumerated in paragraphs A to F, the judicial officer shall give the greatest weight to the defendant's criminal history and the severity of the crime. The judicial officer may not order the defendant released on personal recognizance or an unsecured appearance bond if the defendant's crime is serious or the judicial officer finds the defendant's criminal record inappropriate for granting the defendant release on personal recognizance or an unsecured appearance bond.

**3. Release on conditions.** Conditions that will reasonably ensure the appearance of the defendant and ensure the integrity of the judicial process shall must be imposed as provided in this subsection.

2 A. If the judicial officer determines that the release  
 4 described in subsection 2 will not reasonably ensure the  
 6 appearance of the defendant as required or will not  
 8 otherwise reasonably ensure the integrity of the judicial  
 10 process, the judicial officer shall order the pretrial  
 12 release of the defendant subject to the least restrictive  
 further condition or combination of conditions that the  
 judicial officer determines will reasonably ensure the  
 appearance of the defendant as required and will otherwise  
 reasonably ensure the integrity of the judicial process.  
 These conditions may include that the defendant:

14 (1) Remain in the custody of a designated person or  
 16 organization agreeing to supervise the defendant,  
 including a public official, public agency or publicly  
 18 funded organization, if the designated person or  
 organization is able to reasonably ensure both the  
 20 appearance of the defendant as required and the  
 integrity of the judicial process. When feasible, the  
 22 judicial officer shall impose the responsibility upon  
 the defendant to produce the designated person or  
 24 organization. The judicial officer may interview the  
 designated person or organization to ensure  
 26 satisfaction of both the willingness and ability  
 required. The designated person or organization shall  
 28 agree to notify immediately the judicial officer of any  
 violation of release by the defendant;

30 (2) Maintain employment or, if unemployed, actively  
 32 seek employment;

34 (3) Maintain or commence an educational program;

36 (4) Abide by specified restrictions on personal  
 associations, place of abode or travel;

38 (5) Avoid all contact with a victim of the alleged  
 40 crime, a potential witness regarding the alleged crime  
 or with any other family or household members of the  
 42 victim or the defendant or to contact those individuals  
 only at certain times or under certain conditions;

44 (6) Report on a regular basis to a designated law  
 46 enforcement agency or other governmental agency;

48 (7) Comply with a specified curfew;

50 (8) Refrain from possessing a firearm or other  
 dangerous weapon;

- 2 (9) Refrain from use or excessive use of alcohol and  
4 from any use of drugs;
- 6 (10) Undergo, as an outpatient, available medical or  
8 psychiatric treatment, or enter and remain, as a  
voluntary patient, in a specified institution when  
required for that purpose;
- 10 (11) Execute an agreement to forfeit, upon failing to  
12 appear as required, such designated property, including  
14 money, as is reasonably necessary to ensure the  
16 appearance of the defendant as required and to ensure  
the integrity of the judicial process and post with an  
18 appropriate court such evidence of ownership of the  
property or such percentage of the money as the  
judicial officer specifies;
- 20 (12) Execute a bail bond with sureties in such amount  
22 as is reasonably necessary to ensure the appearance of  
the defendant as required and to ensure the integrity  
of the judicial process;
- 24 (13) Return to custody for specified hours following  
26 release for employment, schooling or other limited  
purposes;
- 28 (14) Report on a regular basis to the defendant's  
30 attorney;
- 32 (15) Notify the court of any changes of address or  
employment;
- 34 (16) Provide to the court the name, address and  
36 telephone number of a designated person or organization  
that will know the defendant's whereabouts at all times;
- 38 (17) Inform any law enforcement officer of the  
40 defendant's condition of release if the defendant is  
subsequently arrested or summoned for new criminal  
42 conduct; and
- 44 (18) Satisfy any other condition that is reasonably  
46 necessary to ensure the appearance of the defendant as  
required and to otherwise reasonably ensure the  
integrity of the judicial process.
- 48 B. The judicial officer may not impose a financial  
50 condition which that, either alone or in combination with  
other conditions of bail, is in excess of that reasonably

2 necessary to ensure the appearance of the defendant as  
3 required or to otherwise ensure the integrity of the  
4 judicial process.

6 C. Upon motion by the attorney for the State or the  
7 defendant and after notice and upon a showing of changed  
8 circumstances or upon the discovery of new and significant  
9 information, the court may amend the bail order to relieve  
10 the defendant of any condition of release, modify the  
11 conditions imposed or impose further conditions authorized  
12 by this subsection as the court determines will reasonably  
13 ensure the appearance of the defendant as required and will  
14 otherwise reasonably ensure the integrity of the judicial  
15 process.

16 **4. Factors to be considered in release decision.** In  
17 setting bail, the judicial officer shall, on the basis of an  
18 interview with the defendant, information provided by the  
19 defendant's attorney and information provided by the attorney for  
20 the State or an informed law enforcement officer if the attorney  
21 for the State is not available and other reliable information  
22 which that can be obtained, take into account the available  
23 information concerning the following:

- 24 A. The nature and circumstances of the crime charged;
- 26 B. The nature of the evidence against the defendant; and
- 28 C. The history and characteristics of the defendant,  
30 including, but not limited to:
  - 32 (1) The defendant's character and physical and mental  
33 condition;
  - 34 (2) The defendant's family ties in the State;
  - 36 (3) The defendant's employment history in the State;
  - 38 (4) The defendant's financial resources;
  - 40 (5) The defendant's length of residence in the  
41 community and the defendant's community ties;
  - 42 (6) The defendant's past conduct, including any  
43 history relating to drug or alcohol abuse;
  - 44 (7) The defendant's criminal history, if any;
  - 46 (8) The defendant's record concerning appearances at  
47 court proceedings;
  - 48
  - 50



2 (9) Whether, at the time of the current offense or  
4 arrest, the defendant was on probation, parole or other  
6 release pending trial, sentencing, appeal or completion  
of a sentence for an offense in this jurisdiction or  
another; and

8 (10) Any evidence that the defendant has obstructed or  
10 attempted to obstruct justice by threatening, injuring  
or intimidating a victim or a prospective witness,  
12 juror, attorney for the State, judge, justice or other  
officer of the court; and

14 (11) Whether the defendant has previously violated  
16 conditions of release, probation or other court orders,  
including, but not limited to, violating protection  
18 from abuse orders pursuant to Title 19, section 769 or  
Title 19-A, section 4011.

20 **5. Contents of release order.** In a release order issued  
under subsection 2 or 3, the judicial officer shall:

22 A. Include a written statement that sets forth all the  
24 conditions to which the release is subject in a manner  
sufficiently clear and specific to serve as a guide for the  
26 defendant's conduct; and

28 B. Advise the defendant of:

30 (1) The penalties if the defendant fails to appear as  
required; and

32 (2) The penalties for and consequences of violating a  
34 condition of release, including the immediate issuance  
of a warrant for the defendant's arrest.

36 **6. Initial appearance in court.** Nothing contained in this  
38 chapter may be construed as limiting the authority of a judge or  
justice to consider the issue of preconviction bail at a  
40 defendant's initial appearance in court.

42 **7. Applicability of conditions of release.** A condition of  
release takes effect and is fully enforceable as of the time the  
44 judicial officer sets the condition, unless the bail order  
expressly excludes it from immediate applicability.

46 **Sec. 8. 15 MRSA §1027, sub-§3, ¶¶A and B,** as enacted by PL  
48 1987, c. 758, §20, are amended to read:

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2 A. There is a substantial risk that the capital defendant  
will not appear as required or will otherwise pose a  
4 substantial risk to the integrity of the judicial process; or

6 B. There is a substantial risk that the capital defendant  
will pose a danger to another or to the community; or

8 **Sec. 9. 15 MRSA §1027, sub-§3, ¶C** is enacted to read:

10 C. There is a substantial risk that the capital defendant  
12 will commit new criminal conduct.

14 **Sec. 10. 15 MRSA §1028, sub-§1, ¶A**, as enacted by PL 1987, c.  
758, §20, is amended to read:

16 A. If the defendant chooses to have a de novo determination  
18 of bail, the defendant shall must be furnished with a  
petition and, upon execution of the petition and without the  
20 issuance of any writ or other process, the sheriff of the  
county in which the decision was made shall provide for the  
22 transportation of the defendant together with the petition  
and all papers relevant to the petition or copies of the  
petition or papers to the Superior Court.

24 If no Justice of the Superior Court will be available within  
26 24 48 hours, excluding Saturdays, Sundays and holidays,  
arrangements shall must be made for a de novo determination  
28 of bail in the nearest county in which a Justice of the  
Superior Court is then sitting. The defendant's custodian  
30 shall provide transportation to the Superior Court as  
required by this chapter without the issuance of any writ or  
32 other process.

34 If there is no Justice of the Superior Court available, the  
defendant shall must be retained in custody until the  
36 petition can be considered.

38 **Sec. 11. 15 MRSA §1028, sub-§1, ¶C** is enacted to read:

40 C. Upon receipt of a pro se petition or upon oral or  
42 written request of the attorney for the defendant, the clerk  
shall set a time for hearing and provide oral or written  
44 notice to the attorney for the State. The hearing must be  
scheduled for a time not less than 24 hours nor more than 48  
46 hours after the clerk notifies the attorney for the State.

48 **Sec. 12. 15 MRSA §1051, sub-§1**, as amended by PL 1995, c. 356,  
§8, is further amended to read:

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1. **Application to presiding judge or justice.** After post-conviction, except as provided in this section, a defendant may apply to the judge or justice who presided at the trial for bail pending imposition or execution of sentence or entry of judgment or appeal. If the trial judge or justice is not available, the defendant may apply for bail under this section to another judge or justice of the court in which the defendant was convicted. Post-conviction bail is not available to a defendant convicted of:

A. Murder;

B. Any other formerly capital offense for which preconviction bail was denied under section 1027; or

C. Any crime when the defendant's preconviction bail was revoked and denied under sections 1096 and 1097.

The judge or justice shall hold a hearing on the record on the bail application and shall state in writing or on the record the reasons for denying or granting bail. If bail is granted, the judge or justice shall also state, in writing or on the record, the reasons for the kind and amount of bail set, for any condition of release imposed and for the omission of any condition of release sought by the State.

The judge or justice may enter an order for bail pending appeal before a notice of appeal is filed, but conditioned upon its timely filing.

Every order for post-conviction release of a defendant must include a waiver of extradition by the defendant as well as a condition of bail that the defendant refrain from new criminal conduct and not violate any pending protection from abuse order pursuant to Title 19, section 769, or Title 19-A, section 4011.

**Sec. 13. 15 MRSA §1051, sub-§2,** as enacted by PL 1987, c. 758, §20, is amended to read:

2. **Standards.** Except as provided in subsection 4, a defendant may not be admitted to bail under this section unless the judge or justice has probable cause to believe that:

A. There is no substantial risk that the defendant will fail to appear as required and will not otherwise pose a substantial risk to the integrity of the judicial process; and

B. There is no substantial risk that the defendant will pose a danger to another or to the community; and

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2            C. There is no substantial risk that the defendant will  
4            commit new criminal conduct.

6            In determining whether to admit a defendant to bail, the judge or  
8            justice shall consider the factors relevant to preconviction bail  
10           listed in section 1026, as well as the facts proved at trial, the  
12           length of the term of imprisonment imposed, any history of  
14           dangerousness and any previous unexcused failure to appear as  
             required before any court or ~~to submit as required to~~ the  
             defendant's prior failure to obey an order or judgment of any  
             court, including, but not limited to, violating a protection from  
             abuse order pursuant to Title 19, section 769 or Title 19-A,  
             section 4011.

16           If the judge or justice decides to set post-conviction bail for a  
18           defendant, the judge or justice shall apply the same factors in  
             setting the kind and amount of that bail.

20           **Sec. 14. 15 MRSA §1051, sub-§3**, as amended by PL 1995, c. 356,  
22           §9, is further amended to read:

24           **3. Conditions of release.** Except as provided in subsection  
26           4, the judge or justice may impose, in lieu of or in addition to  
28           an appearance or bail bond, any condition considered reasonably  
30           necessary to minimize the risk that the defendant may fail to  
             appear as required, may compromise the integrity of the judicial  
             process, may commit new criminal conduct, may fail to comply with  
             conditions of release or may constitute a danger to another  
             person or the community.

32           **Sec. 15. 15 MRSA §1071, sub-§1**, as amended by PL 1989, c. 147,  
34           §4, is further amended to read:

36           **1. Statement by surety.** Any person who offers to act as  
38           surety ~~for the appearance before~~ in the Superior Court ~~of~~ for any  
40           defendant in a criminal prosecution, whether or not the defendant  
42           is an appellant from the finding of a Judge of the District  
44           Court, is to be admitted to bail to await the action of the grand  
             jury, or is arrested in vacation on a warrant issued on an  
             indictment pending in the Superior Court, may be required to file  
             with the judicial officer a written statement signed and sworn to  
             by the surety describing all real estate owned by the surety  
             within the State with sufficient accuracy to identify it.

46           A. The statement shall ~~shall~~ must provide in detail all  
48           encumbrances and the value of the land. The value of the  
             land shall ~~shall~~ must be based on the judgment of the surety.

2 B. The certificate shall must remain on file with the  
original papers in the case and a certified copy shall must  
4 be transmitted by the judicial officer taking the bail to  
the clerk of court before which the defendant is to appear.

6 C. Upon motion to the court and notice to the defendant,  
the defendant shall produce and the State shall ~~have~~ has the  
8 right to examine all evidence of ownership, valuation and  
all encumbrances on the land.

10 **Sec. 16. 15 MRSA §1094, first ¶**, as repealed and replaced by PL  
12 1991, c. 393, §4, is amended to read:

14 When a defendant who has been admitted to either  
preconviction or post-conviction bail in a criminal case fails to  
16 appear as required, or has violated the conditions of release,  
the court shall declare a forfeiture of the bail. The obligation  
18 of the defendant and any sureties may be enforced in such manner  
as the Supreme Judicial Court shall by rule provide and in  
20 accordance with section 224-A. The rules adopted by the Supreme  
Judicial Court must provide for notice to the defendant and any  
22 sureties of the consequences of failure to comply with the  
conditions of bail.

24 **Sec. 17. 15 MRSA §1095, sub-§2**, as enacted by PL 1995, c. 356,  
26 §19, is amended to read:

28 **2. Arrest.** A law enforcement officer may arrest with a  
warrant, or without a warrant pursuant to Title 17-A, section 15,  
30 any defendant who the law enforcement officer has probable cause  
to believe has failed to appear as required, has violated a  
32 condition of preconviction bail or has been charged with a crime  
allegedly committed while released on preconviction bail. If the  
34 defendant is charged with new criminal conduct, a bail  
commissioner is authorized only to set bail for the new charged  
36 crimes in accordance with this chapter. A defendant under arrest  
pursuant to subsection 1 or this subsection must be brought  
38 before any judge or justice of the appropriate court. The judge  
or justice shall determine without hearing whether the existing  
40 preconviction bail order should be modified or whether the  
defendant should be committed without bail pending the bail  
42 revocation hearing. A copy of the motion for revocation must be  
furnished to the defendant prior to the hearing on the alleged  
44 violation, unless the hearing must be conducted in the absence of  
the defendant.

46 **Sec. 18. 15 MRSA §1097, sub-§§1 and 2**, as enacted by PL 1995,  
48 c. 356, §19, are repealed and the following enacted in their  
place:

50

1. New criminal conduct. If the judge or justice finds that there are conditions of release that will reasonably ensure that the defendant will not continue to commit new crimes while out on bail, the judge or justice shall issue an order under section 1026. If the judicial finding is otherwise, the judge or justice shall issue an order denying bail.

2. Appearance of the defendant; ensuring the integrity of the judicial process. If the judge or justice finds that there are conditions of release that will reasonably ensure the defendant's appearance when required and will otherwise ensure the integrity of the judicial process, the judge or justice shall issue an order under section 1026. If the judicial finding is otherwise, the judge or justice shall issue an order denying bail.'

Further amend the bill by inserting at the end before the summary the following:

#### FISCAL NOTE

The Judicial Department will incur some minor additional costs to print and distribute the bail code and to implement the new requirements on preconviction and postconviction orders. These costs can be absorbed within the Judicial Department's existing budgeted resources.

This bill may also result in increased costs to county jails. The amount of the increase can not be determined, but is estimated to be \$83.78 per day per prisoner.'

#### SUMMARY

This amendment replaces the bill and is the minority report of the Joint Standing Committee on Criminal Justice. In addition to making a number of nonsubstantive changes to the Maine Bail Code, the amendment does the following.

1. It amends the code's statement of purpose to include the fact that, while on bail, a defendant is expected to refrain from engaging in new criminal conduct.

2. It amends the bail definition both in the preconviction and post-conviction context to expressly include refraining from any new criminal conduct and obeying each condition of release imposed by the judicial officer.

2 3. It defines new criminal conduct.

4 4. It clarifies that a judicial officer is authorized to  
6 issue a preconviction order releasing a defendant on personal  
recognizance or execution of an unsecured bond and imposes  
additional release conditions.

8 5. It requires that every preconviction and post-conviction  
10 order of release contain, in addition to a waiver of extradition  
12 by the defendant, a condition that the defendant refrain from new  
criminal conduct and not violate any pending protection from  
abuse orders.

14 6. It clarifies that a judicial officer is authorized to  
16 require a defendant preconviction to execute an agreement to  
forfeit designated property or execute a bail bond with sureties  
18 to ensure the integrity of the judicial process as well as the  
defendant's appearance.

20 7. It recognizes additional sources of information from  
22 which the judicial officer may gather reliable information needed  
to make the release decision.

24 8. It adds the factor of whether the defendant has  
26 previously violated conditions of release, probation or other  
court orders, including protection from abuse orders to the list  
28 of factors to be considered in the preconviction and  
post-conviction release decision.

30 9. It clarifies that the judicial officer must advise the  
32 defendant of the potential penalties as well as the consequences  
of violating a condition of release.

34 10. It requires, both in the post-conviction context and  
36 when the conditional right to have preconviction bail set has  
been extinguished at a Harnish bail proceeding, that bail be  
38 denied in the event a substantial risk exists that the defendant  
will commit new criminal conduct.

40 11. It increases from 24 to 48 hours the time within which  
42 a confined defendant must be transported to a different county if  
no Justice of the Superior Court is locally available to make a  
44 de novo determination of preconviction bail. It additionally  
requires the clerk to provide notice to the attorney for the  
46 State of the upcoming hearing and to schedule that hearing for a  
time not less than 24 hours but not more than 48 hours after the  
attorney for the State has been notified.

48 12. It specifically addresses the consequences to a  
50 defendant who fails to refrain from new criminal conduct. If a

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2 judge or justice finds probable cause exists to believe that the  
3 defendant has committed a new crime following the setting of  
4 preconviction bail, the judge or justice must issue an order  
5 denying bail unless the court finds that there are conditions of  
6 release that will reasonably ensure that the defendant will not  
7 continue to commit new crimes while out on bail in which case,  
8 the court must issue an order under the Maine Revised Statutes,  
9 Title 15, section 1026.

10 13. It adds a fiscal note.