

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1647

H.P. 1170

House of Representatives, March 25, 1997

An Act to Allow the Attorney for the State, with the Consent of the Probation Officer, to File a Motion for Revocation of Probation.

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative JONES of Greenville.

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

4 **Sec. 1. 17-A MRSA §1205, sub-§4-A** is enacted to read:

6 4-A. The duty imposed upon the probation officer to file
8 with the court a motion for revocation of probation pursuant to
10 subsections 2 and 4 is satisfied if, with the consent of the
12 probation officer, the motion is filed by the attorney for the
14 State.

16 **Sec. 2. 17-A MRSA §1205, sub-§5,** as enacted by PL 1977, c.
18 510, §71, is amended to read:

20 5. If a person on probation is charged with or convicted of
22 a new offense and is incarcerated as a result of the pending
24 charge or conviction, a motion for revocation as described in
26 subsection 2 may be filed with the court. The motion may be
28 filed by the probation officer or by the attorney for the State
30 with the consent of the probation officer. Upon filing of the
32 motion, the court may order the person committed with or without
34 bail, pending the court hearing or pending the preliminary
hearing. A person incarcerated pursuant to this subsection shall
may be afforded a preliminary hearing only if he that person has
been released on bail on the pending criminal charge or pending
appeal following a conviction, and has not been released on bail
on the alleged violation of probation and has not been afforded a
court hearing within the time period specified in subsection 4. A
person not entitled to a preliminary hearing under this
subsection shall must be furnished with a copy of the motion
prior to the court hearing on the alleged violation.

36 **SUMMARY**

This bill provides that the attorney for the State, with the
consent of the probation officer, may file a motion for
revocation of probation with the court.