

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2080

H.P. 1481

House of Representatives, January 20, 1998

An Act to Enhance the Bail Requirements for Persons Charged with Murder.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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 McALEVEY of Waterboro.
Cosponsored by Senator BENOIT of Franklin and
Representatives: BUNKER of Kossuth Township, JONES of Greenville, MAYO of Bath,
NASS of Acton, O'NEIL of Saco, POVICH of Ellsworth, WHEELER of Bridgewater,
Senator: FERGUSON of Oxford.

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

Sec. 1. 15 MRSA §1032 is enacted to read:

§1032. Preconviction bail for defendant charged with murder

1. Risk assessment. Notwithstanding the Harnish bail proceeding process or any other provision in this chapter, before the court may set bail for a defendant charged with murder who seeks preconviction bail, the Department of Corrections shall complete a risk assessment on that defendant. The assessment must include an analysis of the following:

A. The risk of whether the defendant will fail to appear as required;

B. The risk of whether the defendant will pose a danger to another individual or the community; and

C. The risk of whether the defendant will commit new criminal conduct.

2. Report to court. Upon completing the risk assessment, the Department of Corrections shall report to the court the department's recommendation regarding whether the court should set bail and the reasons for the recommendation.

3. Supervision. If the court sets bail for the defendant, the Department of Corrections, Division of Probation and Parole shall monitor the defendant until the time of trial.

SUMMARY

This bill requires the Department of Corrections to complete a risk assessment on any defendant charged with murder who seeks preconviction bail, regardless of whether a Harnish bail hearing is held. The Department of Corrections shall analyze the risk of the defendant's fleeing, posing a threat of harm to others and committing new criminal acts if released on bail. The department shall recommend to the court whether the defendant should be released on preconviction bail. If the court determines that bail should be set, the Department of Corrections, Division of Probation and Parole is responsible for monitoring the defendant until the time of trial.