

MAINE STATE LEGISLATURE

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DATE: MARCH 18, 1998

(Filing No. S- 545)

CRIMINAL JUSTICE

Reported by: MINORITY

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STATE OF MAINE
SENATE
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 844, L.D. 2248, Bill, "An Act Authorizing the State to Appeal Decisions Granting Preconviction Bail"

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 §1026, sub-§3, ¶B-1 is enacted to read:

B-1. Upon motion by the attorney for the State or the defendant, the judge or justice who issued the bail order may entertain a motion for reconsideration. The judge or justice may, after notice, hold a hearing on the motion or may summarily deny the motion without hearing.

Sec. 2. 15 MRSA §1028, sub-§3 is enacted to read:

3. Appeal by State. The State may appeal from the refusal of a court, acting under section 1026, to impose the kind or amount of bail sought by the State or to impose a condition of release sought by the State. If the bail proceeding was conducted in the District Court, the appeal is to a justice of the Superior Court for a de novo determination of bail. If the bail proceeding was conducted in the Superior Court, the appeal is to a single justice of the Supreme Judicial Court for a de novo determination of bail.

Sec. 3. 15 MRSA §1051, sub-§§3-A and 3-B are enacted to read:

3-A. Motion for reconsideration. Upon motion by the attorney for the State or the defendant, the judge or justice who

COMMITTEE AMENDMENT "B" to S.P. 844, L.D. 2248

2 issued the bail order may entertain a motion for
4 reconsideration. The judge or justice may, after notice, hold a
hearing on the motion or may summarily deny the motion without
hearing.

6 3-B. Bail order; amend. Upon motion by the attorney for
8 the State or the defendant and after notice and upon a showing of
changed circumstances or upon the discovery of new and
10 significant information, the court may amend the bail order to
relieve the defendant of any condition of release, modify the
12 conditions imposed or impose further conditions authorized by
subsection 3 as the court determines will reasonably ensure the
14 appearance of the defendant as required and will otherwise
reasonably ensure the integrity of the judicial process.'

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

20 **FISCAL NOTE**

22 The additional workload and administrative costs associated
24 with the minimal number of new cases filed in the court system
26 can be absorbed within the budgeted resources of the Judicial
Department.

28 The net impact on the caseload of the Department of the
Attorney General will be insignificant.'

30 **SUMMARY**

32 The amendment replaces the bill and is the minority report
34 of the Joint Standing Committee on Criminal Justice. The
36 amendment clarifies that an attorney for the State or a defendant
38 may make a motion to the court for reconsideration of the court's
preconviction or post-conviction bail decision. The judge or
40 justice may, after notice, hold a hearing on the motion or may
42 summarily deny the motion without hearing. The amendment also
44 provides the State with the right to appeal a preconviction bail
46 proceeding under the Maine Revised Statutes, Title 17-A, section
1026. The appeal allows for a de novo determination of bail. If
the bail proceeding was conducted in the District Court, the
appeal is to a justice of the Superior Court, and if the bail
proceeding was conducted in the Superior Court, the appeal is to
a single justice of the Supreme Judicial Court.

48 The amendment also adds a fiscal note.