

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1998

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Legislative Document

No. 2248

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S.P. 844

In Senate, March 3, 1998

**An Act Authorizing the State to Appeal Decisions Granting  
Preconviction Bail.**

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Presented by Senator MURRAY of Penobscot for the Committee on Criminal Justice for a public hearing pursuant to Joint Order Senate Paper 825.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

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

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

6 **§1032. State's authority to request de novo determination of bail**

8 The State may petition the Superior Court for a de novo  
10 determination of a decision by a District Court Judge or a bail  
12 commissioner acting under section 1026 or 1027 that authorized a  
14 defendant's release on personal recognizance or on the execution  
16 of an unsecured appearance bond.

18 **SUMMARY**

20 **Current law allows a defendant who is refused preconviction bail to petition the Superior Court for a de novo determination of that refusal. This bill gives the State the same right to petition the Superior Court for a de novo determination of a decision that grants a defendant preconviction bail.**