

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1708

H.P. 1198

House of Representatives, March 9, 1999

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**An Act to Amend the Home-release Monitoring Program.**

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Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative WHEELER of Bridgewater.  
Cosponsored by Senator KIEFFER of Aroostook and  
Representatives: DUNCAN of Presque Isle, McALEVEY of Waterboro.

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

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**Sec. 1. 30-A MRSA §1659, first ¶**, as enacted by PL 1991, c. 224, is amended to read:

The sheriff of each county may establish and maintain a home-release monitoring program to permit certain inmates, approved by the court in which they were sentenced, to be released and monitored electronically or by intensive supervision by the county and to live at their residences as a portion of the term of incarceration.

**Sec. 2. 30-A MRSA §1659, sub-§1**, as enacted by PL 1991, c. 224, is amended to read:

**1. Petition.** A sheriff, upon written request from an inmate eligible for participation in a home-release monitoring program and recommended by the jail administrator, may petition the court in which the inmate was sentenced for authorization to electronically monitor or intensively supervise and to release the inmate to participate in a home-release monitoring program established in that county. Unless the court expressly grants the privilege of home release, the inmate is sentenced to ordinary confinement. The court may withdraw the privilege of home release at any time by order entered with or without notice of hearing. At the time of granting this privilege, the court shall determine whether the inmate is responsible for the cost of participating in the home-release program based on the inmate's ability to pay.

**Sec. 3. 30-A MRSA §1659, sub-§2, ¶B**, as enacted by PL 1991, c. 224, is repealed.

**Sec. 4. 30-A MRSA §1659, sub-§2, ¶D**, as enacted by PL 1991, c. 224, is amended to read:

D. For sentences less than 30 days, the inmate serves a minimum of ~~2/3~~ 2 days of that inmate's sentence prior to participating in a home-release monitoring program. For sentences of 30 days or more, the inmate serves a minimum of ~~1/2~~ 5 days of that inmate's sentence prior to participating in a home-release monitoring program. In calculating the amount of time served, good time earned under Title 17-A, section 1253 and time reductions earned for charitable or public works projects under section 1606 must be counted; and

**Sec. 5. 30-A MRSA §1659, sub-§3, ¶I**, as repealed and replaced by PL 1991, c. 783, §2, is amended to read:

2 I. As a condition of participation of an inmate in a  
home-release program, the court shall require the inmate to  
4 pay a fee, as determined by the court, including an  
electronic monitoring fee, if applicable, a substance  
6 testing fee or both, unless the court determines that the  
inmate does not have the financial resources to pay these  
8 fees. The fee charged may include the costs associated with  
a home-release program for people who do not have the  
financial resources to pay the fees.

10 **Sec. 6. 30-A M RSA §1659, sub-§6**, as enacted by PL 1991, c.  
12 224, is amended to read:

14 **6. Minimum standards for electronic monitoring and**  
**intensive supervision.** The Commissioner of Corrections shall  
16 establish minimum standards for electronic monitoring and  
intensive supervision, and may enforce those standards as  
18 provided under Title 34-A, section 1208.

20 **SUMMARY**

22 This bill amends the home-release monitoring program to  
24 allow an inmate to be released and monitored electronically or to  
be intensively supervised, pursuant to standards established by  
26 the Commissioner of Corrections for intensive supervision. The  
bill also expands the eligibility requirements for the program.