

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1803

S.P. 636

In Senate, March 10, 1999

**An Act to Revoke Probation and Require Incarceration for Repeated
Domestic Abuse.**

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CATHCART of Penobscot.
Cosponsored by Representative: STANLEY of Medway.

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

Sec. 1. 17-A MRSA §1205, sub-§1, as amended by PL 1995, c. 502, Pt. F, §13, is further amended to read:

1. If a probation officer has probable cause to believe that a person on probation has violated a condition of that person's probation, that officer may arrest the person or deliver a summons to that person ordering that person to appear for a court hearing on the alleged violation. If a probation officer has probable cause to believe that a person on probation has committed a criminal violation of a protection from abuse order issued against the person under Title 19-A, section 4007, the probation officer shall arrest the person or request a law enforcement officer to arrest the person and shall commence probation revocation proceedings. If the probation officer can not, with due diligence, locate the person in order to arrest the person or serve a summons on that person, that officer shall file a written notice of this fact with the court that placed the person on probation.

Sec. 2. 17-A MRSA §1206, sub-§5, as amended by PL 1983, c. 450, §5, is further amended to read:

5. When the alleged violation constitutes a crime for which the person on probation has not been convicted, the court may revoke probation if it finds by a preponderance of the evidence that the person on probation committed the crime. If the alleged violation is a criminal violation of a protection from abuse order issued against the person under Title 19-A, section 4007, the court shall revoke probation if it finds by a preponderance of the evidence that the person on probation committed the crime. If the person is subsequently convicted of the crime, or any other crime or crimes arising out of the same conduct, sentencing ~~shall-be~~ is subject to the requirements of section 1256. If concurrent terms of imprisonment are imposed and the terms do not commence on the same date, any time served as a result of the probation revocation ~~shall~~ must be deducted from the time the person is required to serve as a result of the new conviction.

SUMMARY

This bill requires probation officers to arrest and bring a motion to revoke the probation of a person who, while on probation, commits a criminal violation of a protection from abuse order issued against that person. It also requires the court to revoke probation if the court finds by a preponderance of the evidence that the person committed the crime.