

MAINE STATE LEGISLATURE

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MAJORITY
JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1446, L.D. 2067, Bill, "An Act to Expand Pretrial Services for the Bail and Supervision of Criminal Defendants Statewide"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 4 MRSA c. 1, sub-c. I-F is enacted to read:

SUBCHAPTER I-F

PRETRIAL SERVICES

§41. Pretrial Services Fund

1. Purpose. The Pretrial Services Fund, referred to in this subchapter as the "fund," is established to help make effective pretrial services available statewide as an alternative to bail.

2. Distribution. The State Court Administrator shall distribute money from the fund to counties that apply for grants from the fund and that meet the criteria established by rule by the State Court Administrator, to the extent that funds are available in the fund. The rules must include the following provisions.

A. A county may file a grant application with the State Court Administrator by the deadline established in rules. The application must explain how the money would be used to provide pretrial services in that county.

COMMITTEE AMENDMENT

2 B. A recipient county shall use money distributed from the
3 fund for pretrial services as proposed in the grant
4 application.

6 C. Two or more counties may apply jointly for a grant from
7 the fund.

8 D. The State Court Administrator shall award grants from
9 the fund based on:

10 (1) Whether the proposed pretrial services program
11 meets the pretrial services requirements as provided in
12 section 43; and

14 (2) The best use of state funds to provide pretrial
15 services. Factors the State Court Administrator must
16 consider in determining the best use of state funds to
17 provide pretrial services include:

18 (a) The greatest number of pretrial criminal
19 defendants who may be served; and

20 (b) Making pretrial services more available in
21 areas with limited or no pretrial services.

22 E. The minimum grant is \$5,000 and the maximum is \$20,000
23 per county.

24 F. Counties providing pretrial services on March 1, 2000
25 are eligible to apply for and receive grants after July 1,
26 2001.

27 3. Unused money. Any balance remaining at the end of each
28 fiscal year may not lapse but must be carried forward to be used
29 for the same purposes, except that any balance remaining in the
30 fund on June 30, 2002 lapses to the General Fund.

31 **§42. Use of Pretrial Services Fund grants**

32 1. Use for pretrial services. A county receiving a grant
33 from the fund shall use the grant to provide pretrial services in
34 that county. Counties jointly receiving a grant shall use the
35 grant to provide pretrial services in those counties.

36 2. Employees or contract with private providers. A county
37 may use county employees to provide pretrial services or may
38 contract with one or more private entities to provide pretrial
39 services.

3. Multiple counties. Two or more counties may provide pretrial services jointly by using county employees or by contracting with one or more private entities to provide pretrial services.

4. Annual report. Each county receiving a grant shall submit an annual report to the State Court Administrator detailing the use of the funds, the number of criminal defendants served and other information the State Court Administrator requires.

§43. Pretrial services; requirements

1. Required duties. Pretrial services programs funded under this subchapter must include at least the following:

A. Interviewing and assembling verified information and data concerning the community ties, employment, residency, criminal record and social background of arrested persons who are to be, or have been, presented in court for first appearance on criminal charges, to assist the court in determining the appropriate terms and conditions of pretrial release;

B. Submitting written reports of those investigations to the court along with such findings and recommendations, if any, as may be necessary to assess:

(1) The need for financial security to ensure the defendant's appearance at later proceedings; and

(2) Appropriate conditions that should be imposed to protect against the risks of nonappearance and commission of new offenses or other interference with the orderly administration of justice before trial;

C. Supervising compliance with pretrial release conditions and promptly reporting violations of those conditions to the court and prosecutor to ensure effective enforcement;

D. Cooperating with the court and all other criminal justice agencies in the development of programs to minimize unnecessary pretrial detention and protect the public against breaches of pretrial release conditions;

E. Monitoring the local operations of the pretrial release system and maintaining accurate and comprehensive records of program activities; and

F. Assisting in such other pretrial services activities as may be delegated to the county or provider by the court.

§44. State Court Administrator

1. Monitoring and review process. The State Court Administrator shall establish a process for monitoring and reviewing grants awarded pursuant to this subchapter.

2. Annual report. The State Court Administrator shall submit an annual report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2001 and annually thereafter. The report must contain details of the use of the fund. The State Court Administrator shall include suggestions for changes, including proposed legislation.

3. Rules. The State Court Administrator shall adopt rules pursuant to Title 5, chapter 375 to carry out this subchapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

§45. Repeal

This subchapter is repealed July 1, 2002.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	2000-01
JUDICIAL DEPARTMENT	
Pretrial Services Fund	
Positions - Legislative Count	(0.500)
Personal Services	\$21,852
All Other	106,100
Provides funds for one part-time Pretrial Services Coordinator position, related expenses and \$100,000 for grants to counties for pretrial service programs.	
JUDICIAL DEPARTMENT	
TOTAL	\$127,952'

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

FISCAL NOTE

2000-01

APPROPRIATIONS/ALLOCATIONS

General Fund \$127,952

This bill includes a General Fund appropriation of \$127,952 in fiscal year 2000-01 for the Judicial Department to support the cost of one part-time Pretrial Services Coordinator position and related expenses and to provide \$100,000 for grants to counties for pretrial service programs. The estimated General Fund appropriation required in fiscal year 2001-02, the final year of the program, will be approximately \$127,500.'

SUMMARY

This amendment replaces the bill. It establishes the Pretrial Services Fund within the Judicial Department. The State Court Administrator will award grants from the fund in amounts not exceeding \$20,000 to counties that apply and meet the criteria established by rules adopted by the State Court Administrator. The grants must be used to provide pretrial services. The State Court Administrator shall adopt rules to govern the program.

Any money remaining in the Pretrial Services Fund on June 30, 2002 lapses to the General Fund.

The law creating the fund is repealed on July 1, 2002.

This amendment includes an appropriation section to fund the grants and the administration of the program and adds a fiscal note.