

MAINE STATE LEGISLATURE

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Handwritten initials
R.S.S.

L.D. 423

DATE: 5-17-01

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JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 333, L.D. 423, Bill, "An Act to Facilitate Implementation of Court Alcohol and Drug Treatment Programs"

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

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the adult alcohol and drug treatment program, as established pursuant to the Maine Revised Statutes, Title 4, chapter 8, began accepting referrals for persons facing probation revocations on April 2, 2001, and is expected to be in full operation by July 1, 2001; and

Whereas, statutory changes to the Maine Bail Code are necessary to ensure the efficient and effective imposition of sanctions to drug court participants by the court; and

Whereas, adult drug treatment courts have proven to be effective at keeping drug-addicted offenders off drugs and at greatly reducing other crimes associated with drug abuse; and

Whereas, the State is facing significant criminal and health problems due to drug addiction; and

Whereas, the change to the Maine Bail Code needs to be effective prior to the adult and alcohol drug treatment program's commencing full operations on or about July 1, 2001; and

COMMITTEE AMENDMENT

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 15 MRSA §1105 is enacted to read:

§1105. Alcohol and drug treatment program

As a condition of post-conviction release, the court may impose the condition of participation in an alcohol and drug treatment program for a period not to exceed 24 months pursuant to Title 4, chapter 8. If at any time the court finds probable cause that a defendant released with a condition of participation in an alcohol and drug treatment program has intentionally or knowingly violated any requirement of the defendant's participation in the alcohol or drug treatment program, the court may suspend the order of bail for a period of up to 7 days for any such violation. The defendant must be given an opportunity to personally address the court prior to the suspension of an order of bail under this section. A period of suspension of bail is a period of detention under Title 17-A, section 1253, subsection 2. This section does not restrict the ability of the court to take actions other than suspension of the order of bail for the violation of a condition of participation in an alcohol and drug treatment program or the ability of the court to entertain a motion to revoke bail under section 1098 and enter any dispositional order allowed under section 1099-A. If the court orders participation in a drug and alcohol treatment program under this section, upon sentencing the court shall consider whether there has been compliance with the program.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.'

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

FISCAL NOTE

This bill may increase costs to the counties as a result of allowing the court to suspend the order of bail for a period of up to seven days under limited circumstances. The additional costs to the counties are estimated to be \$83.36 per day per prisoner.'

R. S.

SUMMARY

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This amendment replaces the bill. It allows a court to order participation in a drug and alcohol treatment program as a condition of post-conviction bail. This amendment also allows the court to suspend an order of bail, resulting in a period of detention of up to 7 days, if the defendant violates the condition. The defendant will have an opportunity to personally address the court prior to any suspension of the order of bail, but will not have the right to a formal hearing. The period of suspension of bail is a period of detention under the Maine Revised Statutes, Title 17-A, section 1253, subsection 2. The amendment also contains an emergency preamble, an emergency clause and a fiscal note.