

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 752

H.P. 597

House of Representatives, February 13, 2001

**An Act to Amend the Standards for Release for Crime Bailable as of
Right Preconviction.**

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SMITH of Van Buren.
Cosponsored by Representative NORBERT of Portland.

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

4 **Sec. 1. 15 MRSA §1026, sub-§3, ¶D** is enacted to read:

6 D. A random search condition may not be imposed except by
8 the court upon the State's proof by a preponderance of the
10 evidence that the condition is necessary to ensure the
12 presence of the defendant in court or that the condition
14 will prevent the defendant from obstructing or attempting to
16 obstruct justice by threatening, injuring or intimidating a
18 victim, prospective witness, juror, justice or officer of
20 the court. A review of the imposition of a random search
22 condition must be de novo.

24

SUMMARY

18 This bill amends the standards for release for a crime
20 bailable as of right preconviction by indicating that a random
22 search condition may not be imposed except by the court upon the
24 State's proof by a preponderance of the evidence that the
condition is necessary to ensure the presence of the defendant in
court.