

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 224

H.P. 183

House of Representatives, January 21, 2003

### **An Act to Amend the Maine Bail Code as Recommended by the Criminal Law Advisory Commission**

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Reported by Representative BUNKER of Kossuth Township for the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed under Joint Rule 218.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

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

4 **Sec. 1. 15 MRSA §1003, sub-§5-A**, as enacted by PL 1995, c.  
356, §1, is amended to read:

6 **5-A. Failure to appear.** "Failure to appear" includes a  
8 failure to appear at the time or place required by a release  
order and the failure to surrender into custody at the time and  
10 place required by a release order or by the Maine Rules of  
Criminal Procedure, Rule 32(a) and Rule 38(c).

12 **Sec. 2. 15 MRSA §1075** is enacted to read:

14 **§1075. Attorney not to act as surety or deposit cash bail for**  
**client**

16 An attorney, while representing a defendant, may not act as  
18 surety for or deposit cash bail for the client.

20 **SUMMARY**

22 This bill amends the definition of "failure to appear" to  
24 include a failure to surrender into custody at the time and place  
required under the Maine Rules of Criminal Procedure, Rule  
26 32(a)(1).

28 The bill also prohibits an attorney in a criminal matter,  
while representing a defendant, from providing cash bail or  
30 acting as surety for the client. This same prohibition is found  
in the Maine Rules of Criminal Procedure, Rule 26(d).