

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 357

H.P. 270

House of Representatives, January 25, 2005

An Act Regarding Bail Conditions

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GROSE of Woolwich.
Cosponsored by Senator STRIMLING of Cumberland and
Representatives: ADAMS of Portland, BRYANT of Windham, HUTTON of Bowdoinham,
PARADIS of Frenchville, PELLETIER-SIMPSON of Auburn, PERCY of Phippsburg, SMITH
of Monmouth, WHEELER of Kittery.

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

4 **Sec. 1. 15 MRSA §1026, sub-§3, ¶A**, as amended by PL 2001, c.
252, §2, is further amended by amending subparagraphs (17) and
6 (18) to read:

8 (17) Inform any law enforcement officer of the
defendant's condition of release if the defendant is
subsequently arrested or summoned for new criminal
10 conduct; and

12 (18) Satisfy any other condition that is reasonably
necessary to ensure the appearance of the defendant as
required and to otherwise reasonably ensure the
14 integrity of the judicial process; and

16 **Sec. 2. 15 MRSA §1026, sub-§3, ¶A**, as amended by PL 2001, c.
18 252, §2, is further amended by enacting subparagraph (19) to read:

20 (19) Enter and remain in a long-term residential
facility for the treatment of substance abuse.

22 **Sec. 3. 15 MRSA §1092, sub-§1, ¶B**, as enacted by PL 2003, c.
24 452, Pt. H, §3 and affected by Pt. X, §2, is amended to read:

26 B. A Class C crime if the underlying crime was punishable
by a maximum period of imprisonment of one year or more and
28 the condition of release violated is one specified in
section 1026, subsection 3, paragraph A, subparagraph (5),
30 (8) ~~or~~, (13) or (19).

32 **Sec. 4. 15 MRSA §1096, first ¶**, as enacted by PL 1995, c. 356,
§19, is amended to read:

34 An order of preconviction bail entered by a ~~judge-or-justice~~
36 judicial officer may be revoked by the judge or justice entering
the order or, if that judge or justice is not available, by
38 another judge or justice of the same court, upon a determination
made after notice and opportunity for hearing that:

40
42 **SUMMARY**

44 This bill amends the Maine Bail Code by:

46 1. Allowing a judge or justice to revoke an order of
preconviction bail that has been set by a bail commissioner; and

2 2. Allowing as a condition of bail that a person enter and
remain in a long-term residential facility for substance abuse.
4 Under the bill, a violation of this condition by a person whose
underlying crime is punishable by a year or more in prison is a
6 Class C crime.