

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1533

H.P. 1058

House of Representatives, March 20, 2007

An Act Regarding the Violation of Bail

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JACOBSEN of Waterboro.

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

2 **Sec. 1. 15 MRSA §1094, sub-§4-A** is enacted to read:

3 **4-A. Penalty.** A person who violates this section commits a civil violation for which
4 a fine of \$100 must be adjudged.

5 **Sec. 2. 15 MRSA §1097, sub-§4,** as enacted by PL 1995, c. 356, §19, is amended
6 to read:

7 **4. No new bail consideration when bail has been revoked and denied in District**
8 **Court.** When a District Court judge has, after revocation, ordered the defendant held
9 without bail, the defendant is not entitled to have bail set when charges are brought by
10 indictment for the same underlying conduct. If the defendant has not previously appealed
11 the District Court bail revocation, the Superior Court may, upon request of the defendant,
12 entertain the appeal at the defendant's arraignment. A defendant must be held without
13 bail if the defendant has committed at least 4 violations of section 1094 for the same
14 underlying offense.

15 **Sec. 3. 15 MRSA §1097, sub-§5** is enacted to read:

16 **5. Conditions of release after hearing.** A defendant who has been found in
17 violation of section 1094 after a hearing under this section may not be released on
18 subsequent bail until the defendant has spent at least 24 hours in custody for a first
19 violation of section 1094, 48 hours in custody for a second violation of section 1094 and
20 72 hours in custody for a third violation of section 1094 for the same underlying offense.

21 **Sec. 4. 15 MRSA §1099-A, sub-§1,** as enacted by PL 1995, c. 356, §19, is
22 amended to read:

23 **1. Held without bail.** The judge or justice shall order the defendant held without
24 bail unless the judge or justice finds that under the facts of the case it would be
25 unreasonable to do so, in which event the judge or justice shall issue an order under
26 section 1051. A defendant must be held without bail if the defendant has committed at
27 least 4 violations of section 1094 for the same underlying offense.

28 **Sec. 5. 15 MRSA §1099-A, sub-§3** is enacted to read:

29 **3. Conditions of release after hearing.** A defendant who has been found in
30 violation of section 1094 after a hearing under this section may not be released on
31 subsequent bail until the defendant has spent at least 24 hours in custody for a first
32 violation of section 1094, 48 hours in custody for a second violation of section 1094 and
33 72 hours in custody for a third violation of section 1094 for the same underlying offense.

34 **SUMMARY**

35 This bill amends the bail code by requiring that a person who fails to appear when
36 required or violates a condition of bail commits a civil violation for which a fine of \$100

1 must be adjudged. This bill also requires that a person who violates bail, before being
2 released on subsequent bail, must spend at least 24 hours in custody for a first violation,
3 48 hours in custody for a second violation and 72 hours in custody for a third violation of
4 bail for the same underlying offense. A person who violates bail on the same underlying
5 offense at least 4 times must be held without bail.