

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1895

H.P. 1327

House of Representatives, May 4, 2007

An Act To Implement the Recommendations of the Corrections Alternatives Advisory Committee

Reported by Representative GERZOFKY of Brunswick for the Department of Corrections pursuant to Public Law 2005, chapter 667.

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

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

2 **Sec. 1. 4 MRSA §116, first ¶**, as repealed and replaced by PL 2003, c. 20, Pt. R,
3 §1 and affected by §10, is amended to read:

4 All revenue received by the Supreme Judicial or Superior Court, whether directly or
5 pursuant to an agreement entered into with the Department of Administrative and
6 Financial Services, Bureau of Revenue Services, from fines, forfeitures, penalties, fees
7 and costs accrues to the State, except as otherwise provided under section 1057; Title 7,
8 section 3910-A; Title 12, sections 3055 and 4508; Title 17, section 1015; Title 23, section
9 1653; Title 29-A, section 2602; and former Title 34-A, section 1210-A, subsection 9; and
10 Title 34-A, section 1210-B, subsection 6.

11 **Sec. 2. 4 MRSA §163, sub-§1**, as repealed and replaced by PL 2003, c. 20, Pt. R,
12 §2 and affected by §10, is amended to read:

13 **1. District Court funds.** Except as otherwise provided by law, all fines, forfeitures,
14 surcharges, assessments and fees collected in any division of the District Court or by the
15 violations bureau must be paid to the clerk of that District Court, who shall deposit them
16 in a special account in a timely manner. Once each month, the clerk shall remit the sums
17 to the Treasurer of State, who shall credit them to the General Fund. At the same time,
18 the clerk shall remit the sums that have been collected in accordance with section 1057;
19 Title 5, chapter 316-A; Title 7, section 3910-A; Title 17, section 1015; Title 29-A, section
20 2411, subsection 7; and former Title 34-A, section 1210-A, subsection 9; and Title 34-A,
21 section 1210-B, subsection 6. Funds received by the clerk as bail in criminal cases must
22 be deposited daily in a special account. The clerk shall deposit the funds in an interest-
23 bearing account unless the clerk determines that it is not cost-effective to do so. Interest
24 accrued in the account is the property of and accrues to the State. The forfeiture and
25 setoff of bail is governed as otherwise provided by law.

26 The court shall file a monthly report with the State Auditor itemizing the amount of fines,
27 surcharges and assessments imposed and to whom each is payable.

28 **Sec. 3. 5 MRSA §12004-I, sub-§74-E** is enacted to read:

29 **74-E.**

30 <u>Sentencing</u>	<u>State Sentencing</u>	<u>Expenses Only</u>	<u>34-A MRSA</u>
31	<u>and Corrections</u>		<u>§1209-A</u>
32	<u>Practices</u>		
33	<u>Coordinating</u>		
34	<u>Council</u>		

35 **Sec. 4. 15 MRSA §1026, sub-§2**, as amended by PL 2001, c. 252, §1, is further
36 amended to read:

37 **2. Release on personal recognizance or unsecured appearance bond.** The
38 judicial officer shall order the pretrial release of the defendant on personal recognizance
39 or upon execution of an unsecured appearance bond in an amount specified by the

1 judicial officer, unless, after consideration of the factors listed in subsection 4, the judicial
2 officer determines that the release will compromise the safety of the community, will not
3 reasonably ensure the appearance of the defendant as required or will not otherwise
4 reasonably ensure the integrity of the judicial process.

5 **Sec. 5. 15 MRSA §1026, sub-§3**, as amended by PL 2005, c. 449, §1, is further
6 amended to read:

7 **3. Release on conditions.** Conditions that will reasonably ensure the safety of the
8 community, the appearance of the defendant and ~~ensure~~ the integrity of the judicial
9 process must be imposed as provided in this subsection.

10 A. If, after consideration of the factors listed in subsection 4, the judicial officer
11 determines that the release described in subsection 2 will not reasonably ensure the
12 safety of the community or the appearance of the defendant as required or will not
13 otherwise reasonably ensure the integrity of the judicial process, the judicial officer
14 shall order the pretrial release of the defendant subject to the least restrictive further
15 condition or combination of conditions that the judicial officer determines will
16 reasonably ensure the safety of the community and the appearance of the defendant as
17 required and will otherwise reasonably ensure the integrity of the judicial process.
18 These conditions may include that the defendant:

19 (1) Remain in the custody of a designated person or organization agreeing to
20 supervise the defendant, including a public official, public agency or publicly
21 funded organization, if the designated person or organization is able to
22 reasonably ensure both the appearance of the defendant as required and the
23 integrity of the judicial process. When feasible, the judicial officer shall impose
24 the responsibility upon the defendant to produce the designated person or
25 organization. The judicial officer may interview the designated person or
26 organization to ensure satisfaction of both the willingness and ability required.
27 The designated person or organization shall agree to notify immediately the
28 judicial officer of any violation of release by the defendant;

29 (2) Maintain employment or, if unemployed, actively seek employment;

30 (3) Maintain or commence an educational program;

31 (4) Abide by specified restrictions on personal associations, place of abode or
32 travel;

33 (5) Avoid all contact with a victim of the alleged crime, a potential witness
34 regarding the alleged crime or with any other family or household members of
35 the victim or the defendant or to contact those individuals only at certain times or
36 under certain conditions;

37 (6) Report on a regular basis to a designated law enforcement agency or other
38 governmental agency;

39 (7) Comply with a specified curfew;

40 (8) Refrain from possessing a firearm or other dangerous weapon;

41 (9) Refrain from use or excessive use of alcohol and from any use of drugs;

1 (10) Undergo, as an outpatient, available medical or psychiatric treatment, or
2 enter and remain, as a voluntary patient, in a specified institution when required
3 for that purpose;

4 (10-A) Enter and remain in a long-term residential facility for the treatment of
5 substance abuse;

6 (11) Execute an agreement to forfeit, upon failing to appear as required, such
7 designated property, including money, as is reasonably necessary to ensure the
8 appearance of the defendant as required and to ensure the integrity of the judicial
9 process and post with an appropriate court such evidence of ownership of the
10 property or such percentage of the money as the judicial officer specifies;

11 (12) Execute a bail bond with sureties in such amount as is reasonably necessary
12 to ensure the appearance of the defendant as required and to ensure the integrity
13 of the judicial process;

14 (13) Return to custody for specified hours following release for employment,
15 schooling or other limited purposes;

16 (14) Report on a regular basis to the defendant's attorney;

17 (15) Notify the court of any changes of address or employment;

18 (16) Provide to the court the name, address and telephone number of a
19 designated person or organization that will know the defendant's whereabouts at
20 all times;

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

24 (18) Satisfy any other condition that is reasonably necessary to ensure the safety
25 of the community and the appearance of the defendant as required and to
26 otherwise reasonably ensure the integrity of the judicial process.

27 B. The judicial officer may not impose a financial condition that, either alone or in
28 combination with other conditions of bail, is in excess of that reasonably necessary to
29 ensure the safety of the community and the appearance of the defendant as required
30 or to otherwise ensure the integrity of the judicial process.

31 C. Upon motion by the attorney for the State or the defendant and after notice and
32 upon a showing of changed circumstances or upon the discovery of new and
33 significant information, the court may amend the bail order to relieve the defendant
34 of any condition of release, modify the conditions imposed or impose further
35 conditions authorized by this subsection as the court determines will reasonably
36 ensure the safety of the community and the appearance of the defendant as required
37 and will otherwise reasonably ensure the integrity of the judicial process.

38 **Sec. 6. 30-A MRSA §1658, 2nd ¶**, as amended by PL 1999, c. 127, Pt. A, §44, is
39 further amended to read:

40 The county commissioners may purchase, lease, contract or enter into agreements for
41 the use of facilities to house minimum security prisoners who have been sentenced to the

1 county jail. These prisoners must be involved in restitution, work or educational release,
2 or rehabilitative programs. The funds to purchase, lease or contract for these facilities
3 and to provide any programs in these facilities may be taken from the funds received by
4 the counties pursuant to former Title 34-A, section 1210-A and Title 34-A, section 1210-
5 B. Any facilities used to house prisoners pursuant to the authority granted by this section
6 are subject to standards established by the Department of Corrections pursuant to Title
7 34-A, section 1208-A.

8 **Sec. 7. 30-A MRSA c. 13, sub-c. 5** is enacted to read:

9 **SUBCHAPTER 5**

10 **CRIMINAL JUSTICE PLANNING COMMITTEES**

11 **§1671. Criminal justice planning committees**

12 **1. Establishment.** Each county, or each county working jointly with another county
13 or other counties or with the Department of Corrections, shall establish a local criminal
14 justice planning committee, referred to in this subchapter as "the committee."

15 **2. Membership.** Each committee is composed of representatives of various criminal
16 justice stakeholder groups, including, but not limited to:

17 A. County commissioners;

18 B. Judges;

19 C. Prosecutors;

20 D. Sheriffs;

21 E. Jail administrators;

22 F. Adult probation officers;

23 G. State and municipal law enforcement officers;

24 H. Defense attorneys;

25 I. The courts;

26 J. Victim advocates; and

27 K. Members of the public.

28 **3. Duties.** Each committee shall collaborate with each other and coordinate efforts
29 to educate, update and increase the use of evidence-based community corrections
30 practices at the local level. The duties of each committee include:

31 A. Developing and adopting a mission statement consistent with the purposes of the
32 State Sentencing and Corrections Practices Coordinating Council established in Title
33 34-A, section 1209-A;

1 B. Regularly assessing county correctional needs and determining what community
2 correctional programs best meet those needs;

3 C. Establishing policy and directing the planning, funding, development,
4 implementation and evaluation of recommended community corrections programs
5 determined to meet the intent of the State Sentencing and Corrections Practices
6 Coordinating Council, established in Title 34-A, section 1209-A, and the principles
7 of evidence-based correctional practices;

8 D. Receiving, reviewing and submitting to the county commissioners any
9 applications for a grant for a community corrections initiative from the Community
10 Corrections Incentive Fund, established in Title 34-A, section 1210-C, that meets
11 standards and community needs as determined by the committee. Upon receipt of the
12 committee's recommendations, the county commissioners shall forward the grant
13 application to the State Sentencing and Corrections Practices Coordinating Council,
14 established in Title 34-A, section 1209-A; and

15 E. Monitoring and overseeing community corrections investments and programming,
16 tracking outcomes and making necessary recommendations for change to ensure
17 efficient and effective evidence-based community corrections programming.

18 **4. Reports.** Each county shall establish a dedicated county community corrections
19 program account to account for the use of all funds received from the State pursuant to
20 this section. Each county shall report to its committee on the use of community
21 corrections funds and each committee in turn shall report on the use of community
22 corrections funds to the State Sentencing and Corrections Practices Coordinating Council,
23 established in Title 34-A, section 1209-A.

24 **Sec. 8. 34-A MRSA §1209-A** is enacted to read:

25 **§1209-A. State Sentencing and Corrections Practices Coordinating Council**

26 **1. Council established.** The State Sentencing and Corrections Practices
27 Coordinating Council, established in Title 5, section 12004-I, subsection 74-E and
28 referred to in this section as "the council," is created for the purpose of conducting
29 continuous study and coordination of corrections and sentencing practices. The council
30 shall promote the use of the most effective criminal interventions necessary to protect
31 public safety, administer punishment and rehabilitate offenders; enhance and increase
32 support of state and county partnerships in the management of offenders; and promote
33 and support the use of evidence-based correctional practices for managing the risks and
34 needs of offenders and pretrial defendants.

35 **2. Membership.** The council is composed of the following members:

36 A. The commissioner and 2 state corrections officials designated by the
37 commissioner;

38 B. A representative of a statewide association of county commissioners nominated
39 by the association and appointed by the Governor;

40 C. A representative of a statewide association of county sheriffs nominated by the
41 association and appointed by the Governor;

- 1 D. A representative of a statewide association of county jails nominated by the
2 association and appointed by the Governor;
- 3 E. A representative of a statewide association of prosecutors nominated by the
4 association and appointed by the Governor;
- 5 F. A representative of a statewide association of criminal defense attorneys
6 nominated by the association and appointed by the Governor;
- 7 G. A municipal representative appointed by the Governor; and
- 8 H. A representative of a statewide organization for victims of crime appointed by the
9 Governor.
- 10 The Governor also shall ask the Chief Justice of the Supreme Judicial Court to serve as or
11 to name a designee to serve as a member of the council and to appoint one trial judge or
12 another designee to serve as a member of the council.
- 13 **3. Chair; terms; vacancies.** The Governor shall appoint a member to serve as chair.
14 Members of the council serve for terms of 2 years and may be reappointed. If a member
15 cannot serve for any reason, the vacancy for the member's unexpired term must be filled
16 by the appointing authority.
- 17 **4. Meetings.** The council shall meet at least 4 times a year and keep minutes and
18 records of the meetings. By January 15th of each year, the council shall submit a report
19 of its activities for the preceding year to the joint standing committee of the Legislature
20 having jurisdiction over criminal justice and public safety matters.
- 21 **5. Duties.** The council shall coordinate criminal justice information and collaborate
22 with persons who work in the criminal justice fields. Specifically, the council shall:
- 23 A. Establish strategic goals and outcomes to guide the investment in and
24 expenditures on corrections programs and facilities;
- 25 B. Monitor sentencing practices and review ongoing data collection on recidivism
26 and programming, in consultation with research organizations and universities, to
27 make informed decisions regarding sentencing practices, corrections funding and
28 programming;
- 29 C. Develop recommended correctional and sentencing standards based on evidence-
30 based correctional practices and promote and support the use of evidence-based
31 correctional practices for managing the risks and needs of offenders and pretrial
32 defendants;
- 33 D. Provide information and assistance to county and state corrections officials
34 regarding current evidence-based correctional practices and provide a forum for
35 sharing information on evidence-based correctional practices that are used throughout
36 the State;
- 37 E. Monitor the status of the state and local correctional systems, project future
38 facility needs and develop recommendations for new or expanded facilities and
39 programs;

- 1 F. Monitor and evaluate county use of state jail subsidies and recommend changes to
2 the correctional system if necessary;
- 3 G. Monitor and evaluate the use of community corrections funds by the counties and
4 make recommendations for the use and allocation of these funds as necessary;
- 5 H. Regarding the Community Corrections Incentive Fund established in section
6 1210-C, provide standards and guidance to fund applicants, receive and review
7 applications for grants from the fund, approve applications that meet the standards
8 and administer the grants;
- 9 I. Monitor and evaluate the use of awards from the Community Corrections
10 Incentive Fund, established in section 1210-C, and recommend changes or
11 modifications to the use of these funds as necessary;
- 12 J. Review laws and policies and monitor proposed legislation and policies that affect
13 the state and county criminal justice and correctional systems and make
14 recommendations to the legislative, executive and judicial branches regarding these
15 proposals; and
- 16 K. Identify current and proposed policies that unnecessarily burden the criminal
17 justice and correctional systems and develop recommendations to appropriately
18 remedy these burdens.
- 19 **6. Report.** At the beginning of the first regular session of each Legislature and no
20 later than January 15th, the council shall submit a report to the joint standing committee
21 of the Legislature having jurisdiction over criminal justice and public safety matters and
22 to the Governor. The report must include recommendations and any necessary
23 implementing legislation with respect to matters related to the council's duties and
24 accomplishments, including recommendations on state compliance.
- 25 **7. Departmental duties and powers.** The duties and powers of the department with
26 regard to this section are as follows.
- 27 A. The department shall serve as the fiscal agent of the council.
- 28 B. The department may contract for and employ staff members, subject to approval
29 of the council, to assist in the research, administration and delivery of services
30 required in connection with the duties of the council.
- 31 C. The department may accept funds from the Federal Government, from any
32 political subdivision of the State or from any individual, foundation or corporation
33 and may expend those funds for purposes consistent with this section.
- 34 D. The department shall provide technical assistance to counties and criminal justice
35 planning committees, as established in Title 30-A, section 1671, to aid them in the
36 planning and development of community corrections.
- 37 **8. Funds not to lapse.** Funds appropriated to carry out the purposes of this section
38 do not lapse but must be carried forward from year to year.
- 39 **9. Reimbursement of expenses.** The members of the council must be compensated
40 according to the provisions of Title 5, chapter 379.

1 **Sec. 9. 34-A MRSA §1210-A, sub-§1, ¶A**, as enacted by PL 1997, c. 753, §2, is
2 amended to read:

3 A. "Community corrections" means the delivery of correctional services for
4 ~~juveniles or~~ adults in the least restrictive manner that ensures the public safety by the
5 county or for the county under contract with a public or private entity. "Community
6 corrections" includes, but is not limited to, preventive or diversionary correctional
7 programs, pretrial release or conditional release programs, alternative sentencing or
8 housing programs, electronic monitoring, residential treatment and halfway house
9 programs, community correctional centers and temporary release programs from a
10 facility for the detention or confinement of persons convicted of crimes ~~or~~
11 ~~adjudicated delinquents~~.

12 **Sec. 10. 34-A MRSA §1210-A, sub-§5**, as repealed and replaced by PL 2003, c.
13 711, Pt. A, §20 and affected by Pt. D, §2, is amended to read:

14 **5. Community corrections program account.** Each county treasurer shall place
15 20% of the funds received from the department pursuant to this section into a separate
16 community corrections program account. A county may use funds placed in this account
17 only for adult ~~or juvenile~~ community corrections as defined in subsection 1.

18 Before distributing to a county that county's entire distribution from the County Jail
19 Prisoner Support and Community Corrections Fund, the department shall require that
20 county to submit appropriate documentation verifying that the county expended 20% of
21 its prior distribution for the purpose of community corrections as defined in subsection 1.
22 If a county fails to submit appropriate documentation verifying that the county expended
23 20% of its prior distribution for the purpose of community corrections, the department
24 shall distribute to that county only 80% of its distribution from the County Jail Prisoner
25 Support and Community Corrections Fund. The department shall distribute the 20% not
26 distributed to that county to all other counties that submit appropriate documentation
27 verifying compliance with the 20% expenditure requirement for the purpose of
28 community corrections. The department shall distribute these funds to those qualifying
29 counties in an amount equal to each county's percent distribution pursuant to subsection
30 3.

31 **Sec. 11. 34-A MRSA §1210-A, sub-§11** is enacted to read:

32 **11. Repeal.** This section is repealed July 1, 2008.

33 **Sec. 12. 34-A MRSA §1210-B** is enacted to read:

34 **§1210-B. Community Corrections Fund and County Jail Prisoner Support Fund**

35 **1. Establishment of Community Corrections Fund.** The Community Corrections
36 Fund is established for the purpose of providing state funding for establishing and
37 maintaining community corrections. For purposes of this subsection, "community
38 corrections" means the delivery of correctional services for adults in the least restrictive
39 manner that ensures the public safety by the county or for the county under contract with
40 a public or private entity. "Community corrections" includes, but is not limited to,
41 preventive or diversionary correctional programs, pretrial release or conditional release

1 programs, alternative sentencing or housing programs, electronic monitoring, residential
2 treatment and halfway house programs, community correctional centers and temporary
3 release programs from a facility for the detention or confinement of persons convicted of
4 crimes. Twenty percent of the funds collected from surcharges under Title 4, section
5 1057 that are appropriated pursuant to subsection 3 must be dedicated to the purpose of
6 community corrections and deposited in the Community Corrections Fund.

7 **2. Establishment of County Jail Prisoner Support Fund.** The County Jail
8 Prisoner Support Fund is established for the purpose of providing state funding for a
9 portion of the counties' costs of the support of prisoners detained or sentenced to county
10 jails. Eighty percent of the funds collected from surcharges under Title 4, section 1057
11 that are appropriated pursuant to subsection 3 must be dedicated to the purpose of
12 subsidizing the counties' costs of the support of prisoners detained or sentenced to county
13 jails and deposited in the County Jail Prisoner Support Fund.

14 **3. Distribution.** Beginning July 1, 2008 and annually thereafter, the department
15 shall distribute to the counties amounts to be dedicated to the Community Corrections
16 Fund under subsection 1 and to the County Jail Prisoner Support Fund under subsection
17 2. The department shall distribute amounts to each county based on each county's
18 percentage of statewide jail inmate days, which must be calculated for the last fiscal year
19 for which data is available. If a county's percentage results in a lower subsidy than it
20 received pursuant to former section 1210-A, that county may not receive a reduction. If
21 the county's percentage results in a subsidy higher than it received pursuant to former
22 section 1210-A, that county must receive an increase in funding in proportion to available
23 funding to move the entire county jail system toward greater equity.

24 **4. Cost-of-living adjustment for equitable distribution.** In addition to funds
25 received pursuant to subsection 3, a 3% cost-of-living adjustment on the annual
26 appropriation for the community corrections county jail prisoner support funds must be
27 dedicated to the County Jail Prisoner Support Fund until each county has achieved the
28 appropriate subsidy in this fund based on its percentage of statewide jail inmate days.
29 Once equity has been achieved, the cost-of-living adjustment must be distributed between
30 the Community Corrections Fund and County Jail Prisoner Support Fund pursuant to
31 subsections 1 and 2.

32 **5. County community corrections fund.** Each county treasurer shall place the
33 funds received from the department pursuant to subsection 1 into a separate community
34 fund. A county may use funds placed in this account only for adult community
35 corrections as defined in subsection 1.

36 Before distributing to a county that county's entire distribution from the collection of
37 surcharges pursuant to Title 4, section 1057, the department shall require that county to
38 submit appropriate documentation to the State Sentencing and Corrections Practices
39 Coordinating Council established in section 1209-A verifying that the county expended
40 20% of its prior distribution for the purpose of community corrections as defined in
41 subsection 1. If a county fails to submit appropriate documentation verifying that the
42 county expended 20% of its prior distribution for the purpose of community corrections,
43 the department shall distribute to that county only 80% of its distribution. The
44 department shall distribute the 20% not distributed to that county to all other counties that

1 submit appropriate documentation verifying compliance with the 20% expenditure
2 requirement for the purpose of community corrections. The department shall distribute
3 these funds to those qualifying counties in an amount equal to each county's percent
4 distribution pursuant to subsection 3.

5 **6. Surcharge imposed.** In addition to the 14% surcharge collected pursuant to Title
6 4, section 1057, an additional 1% surcharge must be added to every fine, forfeiture or
7 penalty imposed by any court in this State, which for the purposes of collection and
8 collection procedures is considered a part of the fine, forfeiture or penalty. All funds
9 collected pursuant to this subsection are nonlapsing and must be deposited monthly in the
10 County Jail Prisoner Support Fund under subsection 2 and the Community Corrections
11 Fund under subsection 1.

12 **Sec. 13. 34-A MRSA §1210-C** is enacted to read:

13 **§1210-C. Community Corrections Incentive Fund**

14 There is established the nonlapsing Community Corrections Incentive Fund.
15 Pursuant to section 1209-A, the State Sentencing and Corrections Practices Coordinating
16 Council shall approve applications and award and administer to counties competitive
17 grants from the fund. Grants must be used for initiatives to expand community
18 corrections, regional programs and other efforts to improve the efficiency and
19 effectiveness of the correctional system. Awards must be made in correctional areas that
20 include but are not limited to pretrial diversion, pretrial release, transition, specialty jails,
21 regional cooperation and deferred disposition programs. Grants must also be awarded
22 based on considerations of improved efficiency, offender and court docket reduction,
23 consolidation of resources, reduced recidivism and improved methods for the delivery of
24 services. When applicable, grant applications and awards must be based on established
25 evidence-based correctional practices.

26 **Sec. 14. 34-A MRSA §1214, sub-§1,** as enacted by PL 2001, c. 439, Pt. G, §1, is
27 amended to read:

28 **1. Establishment.** The Office of Victim Services, referred to in this section as the
29 "office," is established within the department to advocate for compliance by the
30 department, any correctional facility, any detention facility, community corrections as
31 defined in former section 1210-A or in section 1210-B or any contract agency with all
32 laws, administrative rules and institutional and other policies relating to the rights and
33 dignity of victims.

34 A. The Victim Services Coordinator shall report only to the commissioner or an
35 associate commissioner.

36 B. The Victim Services Coordinator shall, with the approval of the commissioner or
37 an associate commissioner, select other victim advocates needed to carry out the
38 intent of this section and who shall report only to the Victim Services Coordinator.

39 **Sec. 15. 34-A MRSA §1214, sub-§3, ¶B,** as enacted by PL 2001, c. 439, Pt. G,
40 §1, is amended to read:

1 B. Intercede on behalf of victims with officials of the department, any correctional
2 facility, any detention facility, community corrections as defined in former section
3 1210-A or in section 1210-B or any contract agency or assist these persons in the
4 resolution of victim-related issues;

5 **Sec. 16. Appropriations and allocations.** The following appropriations and
6 allocations are made.

7 **CORRECTIONS, DEPARTMENT OF**

8 **Community Corrections Incentive Fund 0000**

9 Initiative: Appropriates funds to establish the nonlapsing Community Corrections
10 Incentive Fund to be administered by the Department of Corrections. These funds must
11 be awarded to counties as competitive grants to improve the efficiency and effectiveness
12 of the State's correctional system.

14	GENERAL FUND	2007-08	2008-09
15	All Other	\$1,500,000	\$2,000,000
16			
17	GENERAL FUND TOTAL	\$1,500,000	\$2,000,000

18 **Sec. 17. Effective date.** That section of this Act that enacts the Maine Revised
19 Statutes, Title 34-A, section 1210-B takes effect July 1, 2008. Those sections of this Act
20 that amend Title 4, section 116; Title 4, section 163, subsection 1; Title 30-A, section
21 1658; and Title 34, section 1214, subsection 1 and subsection 3, paragraph B take effect
22 July 1, 2008.

23 **SUMMARY**

24 This bill includes the recommendations of the Corrections Alternatives Advisory
25 Committee, which was established pursuant to Public Law 2005, chapter 386, Part J and
26 extended pursuant to Public Law 2005, chapter 667. The bill proposes to do the
27 following.

28 1. The bill adds to the factors that a judicial officer must consider before allowing the
29 pretrial release of a defendant on personal recognizance or an unsecured appearance bond
30 the determination that the defendant's release will not compromise the safety of the
31 community.

32 2. This bill requires each county, or each county working jointly with another county
33 or counties or with the Department of Corrections, to establish a criminal justice planning
34 committee. The committees will include members from county government;
35 representatives from law enforcement agencies, jails, the judiciary and the public; and
36 prosecutors, defense attorneys and victim advocates. The committees' work will include
37 coordinating efforts to educate, update and increase the use of evidence-based
38 correctional practices.

1 3. The bill creates the State Sentencing and Corrections Practices Coordinating
2 Council, whose members will include representatives from state and county corrections,
3 county commissioners, municipalities, sheriffs, prosecutors, defense attorneys, victim
4 services and the judiciary. The council's duties include coordinating criminal justice
5 information and collaborating with persons who work in the criminal justice field to
6 establish strategic goals and outcomes to guide the investment in and expenditures on
7 corrections programs and facilities; monitoring sentencing practices; and reviewing
8 ongoing data collection on recidivism and programming, in consultation with research
9 organizations and universities, to make informed decisions regarding sentencing
10 practices, corrections funding and programming. The council shall submit an annual
11 report to the joint standing committee of the Legislature having jurisdiction over criminal
12 justice and public safety matters and to the Governor, and that report must include
13 recommendations and any necessary implementing legislation. The Department of
14 Corrections shall serve as the fiscal agent of the council and may contract for and employ
15 staff members, subject to approval of the council, to assist in the research, administration
16 and delivery of services required in connection with the duties of the council. The
17 department may accept funds from the Federal Government, from any political
18 subdivision of the State or from any individual, foundation or corporation and may
19 expend those funds for purposes of supporting the council's work. The department shall
20 also provide technical assistance to counties and to the criminal justice planning
21 committees to aid them in the planning and development of community corrections.

22 4. Beginning July 1, 2008, the bill proposes separating the County Jail Prisoner
23 Support and Community Corrections Fund into 2 funds, the Community Corrections
24 Fund for the purpose of establishing and maintaining community corrections and the
25 County Jail Prisoner Support Fund for the purpose of providing state funding for a
26 portion of the counties' costs of the support of prisoners detained or sentenced to county
27 jails. Beginning July 1, 2008 and annually thereafter, the department shall distribute to
28 the counties amounts to be dedicated to the Community Corrections Fund and to the
29 County Jail Prisoner Support Fund. The department shall distribute amounts to each
30 county based on each county's percentage of statewide jail inmate days, which must be
31 calculated for the last fiscal year for which data is available. If a county's percentage
32 results in a lower subsidy than it received pursuant to the former Maine Revised Statutes,
33 Title 34-A, section 1210-A, that county may not receive a reduction. If the county's
34 percentage results in a subsidy higher than it received pursuant to former Title 34-A,
35 section 1210-A, that county would receive an increase in funding in proportion to
36 available funding to move the entire county jail system toward greater equity.

37 5. The bill also creates a new nonlapsing fund, the Community Corrections Incentive
38 Fund, and the State Sentencing and Corrections Practices Coordinating Council shall
39 approve applications and award and administer to counties competitive grants from this
40 fund. Grants must be used for initiatives to expand community corrections, regional
41 programs and other efforts to improve the efficiency and effectiveness of the correctional
42 system. Awards would be made in areas such as pretrial diversion, pretrial release,
43 transition, specialty jails, regional cooperation and deferred disposition programs. Grants
44 must also be awarded based on considerations of improved efficiency, offender and court
45 docket reduction, consolidation of resources, reduced recidivism and improved methods
46 for the delivery of services.