

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 266

S.P. 99

In Senate, February 7, 2013

### An Act To Improve the Law Regarding Bail Commissioners

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator GERZOFKY of Cumberland.  
Cosponsored by Senators: DUTREMBLE of York, LACHOWICZ of Kennebec,  
Representatives: DION of Portland, PLANTE of Berwick, PRIEST of Brunswick.

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

2 **Sec. 1. 15 MRSA §1023, sub-§1-A** is enacted to read:

3 **1-A. Duty of law enforcement agency.** A law enforcement agency shall maintain a  
4 list of all bail commissioners available to that agency and provide each bail commissioner  
5 on the list with equal opportunities to set bail. A law enforcement agency may not  
6 contact a bail commissioner on the list who has set bail more times than one or more  
7 other bail commissioners on the list within the previous 30 days unless all other bail  
8 commissioners on the list who have set bail fewer times than that bail commissioner are  
9 unavailable. A law enforcement agency shall maintain a record of the list and of all the  
10 contacts to bail commissioners made from the list, including the name of the bail  
11 commissioner contacted, the name of the defendant to be bailed, the date and the time of  
12 the contact and whether the bail commissioner was available to set bail.

13 **Sec. 2. 15 MRSA §1023, sub-§4, ¶C,** as amended by PL 2011, c. 640, Pt. A, §2  
14 and c. 680, §1, is repealed and the following enacted in its place:

15 C. In a case involving domestic violence, set preconviction bail for a defendant  
16 before obtaining from the arresting officer:

- 17 (1) A brief history of the alleged abuser;  
18 (2) The relationship of the parties;  
19 (3) The name, address and age of the victim;  
20 (4) Existing conditions of protection from abuse orders, conditions of bail and  
21 conditions of probation;  
22 (5) Information about the severity of the alleged offense; and  
23 (6) Beginning no later than January 1, 2015, the results of a validated, evidence-  
24 based domestic violence risk assessment recommended by the Maine  
25 Commission on Domestic and Sexual Abuse, established in Title 5, section  
26 12004-I, subsection 74-C, and approved by the Department of Public Safety  
27 conducted on the alleged abuser when the results are available;

28 **Sec. 3. 15 MRSA §1023, sub-§5,** as amended by PL 2009, c. 23, §1, is further  
29 amended to read:

30 **5. Fees.** A bail commissioner is entitled to receive a fee not to exceed \$60 for the  
31 charges pursuant to which the defendant is presently in custody. The bail commissioner  
32 ~~shall submit such forms as the Judicial Department directs to verify the amount of fees~~  
33 ~~received under~~ may waive the fee required by this subsection at the bail commissioner's  
34 discretion. The sheriff of the county in which the defendant is detained ~~may~~ shall create a  
35 fund for the distribution by the sheriff or the sheriff's designee for the payment in whole  
36 or in part of the \$60 bail commissioner fee for those defendants who do not have the  
37 financial ability to pay that fee and have been bailed from a county facility administered  
38 by that sheriff.

