

# MAINE STATE LEGISLATURE

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R of S

L.D. 1002

1  
2 Date: 5/28/15

(Filing No. H-220)

3 **CRIMINAL JUSTICE AND PUBLIC SAFETY**

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5 **STATE OF MAINE**  
6 **HOUSE OF REPRESENTATIVES**  
7 **127TH LEGISLATURE**  
8 **FIRST REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to H.P. 697, L.D. 1002, Bill, "An Act To  
10 Appropriate \$500,000 for the Electronic Monitoring Fund"

11 Amend the bill by striking out the title and substituting the following:

12 **'An Act Regarding the Electronic Monitoring Program'**

13 Amend the bill by inserting after the enacting clause and before section 1 the  
14 following:

15 **'Sec. 1. 15 MRSA §1026, sub-§3, ¶A,** as amended by PL 2013, c. 227, §1, is  
16 further amended to read:

17 A. If, after consideration of the factors listed in subsection 4, the judicial officer  
18 determines that the release described in subsection 2-A will not reasonably ensure the  
19 appearance of the defendant at the time and place required, will not reasonably ensure  
20 that the defendant will refrain from any new criminal conduct, will not reasonably  
21 ensure the integrity of the judicial process or will not reasonably ensure the safety of  
22 others in the community, the judicial officer shall order the pretrial release of the  
23 defendant subject to the least restrictive further condition or combination of  
24 conditions that the judicial officer determines will reasonably ensure the appearance  
25 of the defendant at the time and place required, will reasonably ensure that the  
26 defendant will refrain from any new criminal conduct, will reasonably ensure the  
27 integrity of the judicial process and will reasonably ensure the safety of others in the  
28 community. These conditions may include that the defendant:

29 (1) Remain in the custody of a designated person or organization agreeing to  
30 supervise the defendant, including a public official, public agency or publicly  
31 funded organization, if the designated person or organization is able to  
32 reasonably ensure the appearance of the defendant at the time and place required,  
33 that the defendant will refrain from any new criminal conduct, the integrity of the  
34 judicial process and the safety of others in the community. When it is feasible to  
35 do so, the judicial officer shall impose the responsibility upon the defendant to  
36 produce the designated person or organization. The judicial officer may

**COMMITTEE AMENDMENT**

**R of S**

COMMITTEE AMENDMENT "A" to H.P. 697, L.D. 1002

- 1 interview the designated person or organization to ensure satisfaction of both the  
2 willingness and ability required. The designated person or organization shall  
3 agree to notify immediately the judicial officer of any violation of release by the  
4 defendant;
- 5 (2) Maintain employment or, if unemployed, actively seek employment;
- 6 (3) Maintain or commence an educational program;
- 7 (4) Abide by specified restrictions on personal associations, place of abode or  
8 travel;
- 9 (5) Avoid all contact with a victim of the alleged crime, a potential witness  
10 regarding the alleged crime or with any other family or household members of  
11 the victim or the defendant or to contact those individuals only at certain times or  
12 under certain conditions;
- 13 (6) Report on a regular basis to a designated law enforcement agency or other  
14 governmental agency;
- 15 (7) Comply with a specified curfew;
- 16 (8) Refrain from possessing a firearm or other dangerous weapon;
- 17 (9) Refrain from use or excessive use of alcohol and from any use of drugs;
- 18 (10) Undergo, as an outpatient, available medical or psychiatric treatment, or  
19 enter and remain, as a voluntary patient, in a specified institution when required  
20 for that purpose;
- 21 (10-A) Enter and remain in a long-term residential facility for the treatment of  
22 substance abuse;
- 23 (11) Execute an agreement to forfeit, in the event of noncompliance, such  
24 designated property, including money, as is reasonably necessary to ensure the  
25 appearance of the defendant at the time and place required, to ensure that the  
26 defendant will refrain from any new criminal conduct, to ensure the integrity of  
27 the judicial process and to ensure the safety of others in the community and post  
28 with an appropriate court such evidence of ownership of the property or such  
29 percentage of the money as the judicial officer specifies;
- 30 (12) Execute a bail bond with sureties in such amount as is reasonably necessary  
31 to ensure the appearance of the defendant at the time and place required, to  
32 ensure that the defendant will refrain from any new criminal conduct, to ensure  
33 the integrity of the judicial process and to ensure the safety of others in the  
34 community;
- 35 (13) Return to custody for specified hours following release for employment,  
36 schooling or other limited purposes;
- 37 (14) Report on a regular basis to the defendant's attorney;
- 38 (15) Notify the court of any changes of address or employment;

**COMMITTEE AMENDMENT**

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

4 (17) Inform any law enforcement officer of the defendant's condition of release  
5 if the defendant is subsequently arrested or summonsed for new criminal  
6 conduct;

7 (18) Satisfy any other condition that is reasonably necessary to ensure the  
8 appearance of the defendant at the time and place required, to ensure that the  
9 defendant will refrain from any new criminal conduct, to ensure the integrity of  
10 the judicial process and to ensure the safety of others in the community; and

11 (19) Participate in an electronic monitoring program, if available, and pay the  
12 costs of participation directly to the organization that provides electronic  
13 monitoring unless to do so would impose an undue hardship on the defendant.'

14 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
15 section number to read consecutively.

**SUMMARY**

17 This amendment adds to the bill a requirement that a defendant ordered to participate  
18 in the electronic monitoring program must pay the costs of participation directly to the  
19 organization that provides electronic monitoring unless to do so would impose an undue  
20 hardship on the defendant.