

# MAINE STATE LEGISLATURE

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Date: 3-31-16

(Filing No. S- 453)

**JUDICIARY**

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**STATE OF MAINE**

**SENATE**

**127TH LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 666, L.D. 1639, Bill, "An Act To Implement the Recommendations of the Intergovernmental Pretrial Justice Reform Task Force"

Amend the bill by striking out all of sections 4 to 7.

Amend the bill in section 8 in paragraph A in subparagraph (1) in the 12th and 13th lines (page 3, lines 12 and 13 in L.D.) by striking out the following: "defendant. If the judicial officer imposes this condition, the State shall reimburse the designated organization for costs of supervision of the defendant" and inserting the following: 'defendant'

Amend the bill in section 14 in paragraph A in subparagraph (2) in the first line (page 6, line 22 in L.D.) by inserting after the following: "for a" the following: 'Class C.'

Amend the bill by inserting after section 14 the following:

**Sec. 15. 34-A MRSA §1210-D, sub-§2, ¶C**, as enacted by PL 2015, c. 335, §23, is amended to read:

C. Before distributing to a county that county's entire distribution under this section, the department shall require that county to submit appropriate documentation verifying that the county expended 30% of its prior distribution for the purpose of community corrections as required by this section.

**Sec. 16. 34-A MRSA §1210-D, sub-§2-A** is enacted to read:

**2-A. Pretrial release or conditional release programs.** Using community corrections funds distributed under this section, each county shall provide a program, directly or through contract with an organization, to supervise defendants subject to a pretrial release condition imposed pursuant to Title 15, section 1026, subsection 3, paragraph A, subparagraph (1) and such requirements as may be established by rule or order of the Supreme Judicial Court.'

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

**COMMITTEE AMENDMENT**

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**SUMMARY**

This amendment removes from the bill the requirement that the Judicial Branch pay all bail commissioner fees. The Chief Justice of the Maine Supreme Judicial Court has committed to establishing a working group to address the challenges of the current bail system, including the issue of bail commissioner fees.

This amendment deletes from the bill the proposal that jail employees can prepare and execute a personal recognizance bond when a bail commissioner orders bail.

This amendment deletes from the bill the language eliminating the use of unsecured appearance bonds, therefore retaining the possibility that unsecured appearance bonds can be used.

This amendment deletes from the bill the requirement that the State pay the costs of supervision of a defendant when a defendant is released pretrial under the supervision of an organization that provides supervision and ensures the appearance of the defendant, and instead requires each county to maintain a pretrial release program or contract with an organization to supervise defendants subject to a pretrial release condition using the community corrections funds provided from the County Jail Operations Fund.

This amendment expands the opportunity for community service work for credit against unpaid fines to include Class C crime convictions. Current law allows public service work for credit against unpaid fines only for Class D and Class E crimes.

This amendment requires counties to use at least a portion of the community corrections funds they currently receive under the Maine Revised Statutes, Title 34-A, section 1210-D to provide pretrial and conditional release programs when imposed as a condition of pretrial bail. The programs may be conducted by the counties or under a contract with one or more organizations that provide such supervision. The Supreme Judicial Court may adopt rules or orders that establish the requirements of the programs to ensure that defendants have substantially equal access to pretrial and conditional release across the State.

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 127th MAINE LEGISLATURE

LD 1639

LR 2729(02)

**An Act To Implement the Recommendations of the Intergovernmental Pretrial Justice Reform Task Force**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S-453)**  
**Committee: Judiciary**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Minor revenue decrease - General Fund

### Correctional and Judicial Impact Statements

A reduction in fines may decrease General Fund revenue by minor amounts.