

# MAINE STATE LEGISLATURE

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L.D. 516

Date: 6/13/2017

(Filing No. S-264)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
SENATE  
128TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 177, L.D. 516, Bill, "An Act To Reduce the Cost of Pretrial Detention"

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

**'An Act To Improve the Management of Inmates in County and Regional Jails'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'Sec. 1. 17-A MRSA §1205-C, sub-§4**, as amended by PL 2015, c. 436, §8, is further amended to read:

4. At the initial appearance, the court shall advise the probationer of the contents of the motion, the right to a hearing on the motion, the right to be represented by counsel at a hearing and the right to appointed counsel. If the probationer can not afford counsel, the court shall appoint counsel for the probationer. The court shall call upon the probationer to admit or deny the alleged violation. If the probationer refuses to admit or deny, a denial must be entered. In the case of a denial, the court shall set the motion for hearing and may commit the probationer, with or without bail, pending hearing. If the probationer is committed without bail pending hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance ~~unless otherwise ordered by the court.~~

**Sec. 2. 30-A MRSA §1662** is enacted to read:

**§1662. County jail and regional jail reporting**

**1. County jail and regional jail interjail boarding rates.** Beginning November 1, 2017, a county jail or regional jail shall report to the Department of Corrections on a form provided by and on a schedule established by the department regarding interjail boarding rates. The county jail or regional jail shall identify the types of agreements regarding boarding of inmates that it has with other jails. By January 15th each year, beginning January 15, 2018, the Department of Corrections shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections

**COMMITTEE AMENDMENT**

1 matters regarding data derived from the interjail boarding rate information and any  
2 recommendations from the jails or the department.

3 **2. County jail and regional jail financial audits.** Beginning November 1, 2017, a  
4 county jail or regional jail shall report to the Department of Corrections on a schedule  
5 established by the department regarding financial audits performed for the jails. By  
6 January 15th each year, beginning January 15, 2018, the Department of Corrections shall  
7 report to the joint standing committee of the Legislature having jurisdiction over criminal  
8 justice and corrections matters regarding data derived from the financial audit  
9 information provided by the jails and any recommendations from the jails or the  
10 department.

11 **3. Pretrial detention.** Beginning November 1, 2017, a county jail or regional jail  
12 shall report twice per month to the Unified Criminal Docket in the judicial region in  
13 which the jail is located on the pretrial detention population in the jail. The jail shall  
14 report on the form provided by the Unified Criminal Docket.

15 **Sec. 3. 34-A MRSA §1219** is enacted to read:

16 **§1219. Assistance with federal law compliance**

17 Beginning November 1, 2017, the department shall offer technical assistance and  
18 advice to county and regional jails regarding audits for the purpose of achieving and  
19 maintaining compliance with the federal Prison Rape Elimination Act of 2003, Public  
20 Law 108-79, as requested by the county and regional jails.'

21 **SUMMARY**

22 This amendment replaces the bill and changes the title. The amendment does the  
23 following.

24 1. The amendment provides that if a probationer is committed to jail without bail  
25 pending a probation revocation hearing, the date of the hearing must be set no later than  
26 45 days from the date of the initial appearance. The amendment eliminates the provision  
27 that allows the court in its discretion to allow the hearing to be held after 45 days.

28 2. The amendment requires that, beginning November 1, 2017, the county jails and  
29 regional jail report to the Department of Corrections regarding interjail boarding rates.  
30 The amendment requires that by January 15th each year, beginning January 15, 2018, the  
31 Department of Corrections report to the joint standing committee of the Legislature  
32 having jurisdiction over criminal justice and corrections matters regarding interjail  
33 boarding rate information and any recommendations.

34 3. The amendment requires that, beginning November 1, 2017, the county jails and  
35 regional jail report to the Department of Corrections regarding financial audits performed  
36 for the jails. The amendment requires that by January 15th each year, beginning January  
37 15, 2018, the Department of Corrections report to the joint standing committee of the  
38 Legislature having jurisdiction over criminal justice and corrections matters regarding  
39 data derived from the financial audit information and any recommendations.

40 4. The amendment requires that, beginning November 1, 2017, each county jail and  
41 the regional jail report twice per month to the Unified Criminal Docket in the judicial

1 region in which the jail is located on the pretrial detention population in the jail, using a  
2 form provided by the Unified Criminal Docket.

3 5. The amendment requires that, beginning November 1, 2017, the Department of  
4 Corrections offer to provide technical assistance and advice to county jails and the  
5 regional jail regarding audits for the purpose of achieving and maintaining compliance  
6 with the federal Prison Rape Elimination Act of 2003, Public Law 108-79, as requested  
7 by the county jails and regional jail.

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



# 128th MAINE LEGISLATURE

LD 516

LR 935(02)

An Act To Reduce the Cost of Pretrial Detention

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-264)  
Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

The additional costs to the Department of Corrections to provide technical assistance and prepare required reports can be absorbed utilizing existing budgeted resources.