

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 516

S.P. 177

In Senate, February 9, 2017

An Act To Reduce the Cost of Pretrial Detention

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DION of Cumberland.
Cosponsored by Representative WARREN of Hallowell and
Senators: BRAKEY of Androscoggin, CHIPMAN of Cumberland, Representative:
HARRINGTON of Sanford.

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

2 **Sec. 1. 30-A MRSA §1662** is enacted to read:

3 **§1662. Cost of pretrial detention for nonviolent Class D and Class E crimes**

4 **1. Definition.** For the purposes of this section, "nonviolent Class D or Class E
5 crime" means a Class D or Class E crime other than a violation of Title 17-A, chapter 9,
6 11, 12 or 13; a violation of Title 17-A, section 506-B; a violation of Title 17-A, section
7 1002 or 1004; or a crime involving domestic violence as defined in Title 15, section
8 1003, subsection 3-A.

9 **2. Cost of pretrial detention.** A law enforcement agency that commits a prisoner to
10 the sheriff's charge prior to arraignment on a nonviolent Class D or Class E crime shall
11 reimburse the sheriff, at a rate equal to the per diem per prisoner amount paid by the
12 Department of Corrections to the county jails and calculated pursuant to Title 34-A,
13 section 1210-D, subsection 4, paragraph D, for each day that the prisoner is held by the
14 sheriff prior to arraignment and shall pay a one-time surcharge of \$50 to the sheriff for
15 holding the prisoner.

16 **SUMMARY**

17 This bill requires a law enforcement agency that commits a prisoner to the sheriff's
18 charge prior to arraignment on a nonviolent Class D or Class E crime to reimburse the
19 sheriff for each day that the prisoner is held by the sheriff prior to arraignment and to pay
20 a one-time surcharge of \$50 for holding the prisoner. The bill defines "nonviolent Class D
21 or Class E crime" to mean a Class D or Class E crime other than a violation of the Maine
22 Revised Statutes, Title 17-A, chapter 9, 11, 12 or 13; a violation of Title 17-A, section
23 506-B; a violation of Title 17-A, section 1002 or 1004; or a crime involving domestic
24 violence as defined in Title 15, section 1003, subsection 3-A. The bill requires that the
25 per diem rate for the prisoner is the same per diem rate that is established by the
26 Department of Corrections for the purposes of funding county jail operations.