



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1428

H.P. 982

House of Representatives, April 13, 2017

An Act To Relieve Overcrowding in County Jails

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative GUERIN of Glenburn. Cosponsored by Senator ROSEN of Hancock and Representatives: COREY of Windham, GERRISH of Lebanon, HERRICK of Paris, LONGSTAFF of Waterville, MAREAN of Hollis, NADEAU of Winslow, WARREN of Hallowell, Senator: DIAMOND of Cumberland.

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- 3 **Whereas,** the housing of persons incarcerated in the State's custodial facilities is an 4 important state responsibility; and
- 5 **Whereas,** a significant portion of the budgets of the counties is dedicated to the 6 operation of the county and regional jails; and
- Whereas, there is currently a crisis among the counties in the State in the ability to
 adequately fund the county and regional jails, creating overcrowding and other unsafe
 conditions; and
- 10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 11 the meaning of the Constitution of Maine and require the following legislation as 12 immediately necessary for the preservation of the public peace, health and safety; now, 13 therefore,

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

15 Sec. 1. 17-A MRSA §1205-C, sub-§7 is enacted to read:

16 7. If the court orders the probationer held without bail pending hearing under
 17 subsection 4, the probationer must be transferred to the custody of the Department of
 18 Corrections and within 7 days transported to a department facility under Title 34-A,
 19 chapter 3.

20 **Emergency clause.** In view of the emergency cited in the preamble, this 21 legislation takes effect when approved.

- 22 SUMMARY
- This bill requires that a probationer held without bail pending hearing after an initial appearance for a probation violation must be transferred to the custody of the Department of Corrections and within 7 days transported to a department facility.