## MAINE STATE LEGISLATURE

The following document is provided by the LAW AND LEGISLATIVE DIGITAL LIBRARY at the Maine State Law and Legislative Reference Library http://legislature.maine.gov/lawlib



Reproduced from electronic originals (may include minor formatting differences from printed original)



## 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

**Legislative Document** 

No. 182

H.P. 145

House of Representatives, January 17, 2019

An Act To Amend the Maine Bail Code Regarding the Financial Capacity of a Defendant To Post Bond

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

ROBERT B. HUNT
Clerk

Presented by Representative PIERCE of Falmouth.

Cosponsored by Senator ROSEN of Hancock and

Representatives: BEEBE-CENTER of Rockland, BRENNAN of Portland, DUNPHY of Old Town, McCREIGHT of Harpswell, MORALES of South Portland, WARREN of Hallowell,

Senators: MILLETT of Cumberland, POULIOT of Kennebec.

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

- Sec. 1. 15 MRSA §1026, sub-§8 is enacted to read:
- 8. Financial capacity of defendant. A defendant who the court determines is not dangerous, is not a flight risk in the absence of bond and is otherwise eligible for bail may not be detained solely because of financial inability to post a money or property bond and may file a motion with the court requesting relief from the requirement to post a money or property bond. The court shall determine the financial capacity of the defendant and rule on the motion in an expedited manner.

9 SUMMARY

This bill amends the Maine Bail Code to provide that a defendant who is not dangerous, is not a flight risk in the absence of bond and is otherwise eligible for bail may not be detained solely due to financial inability to post a money or property bond and may file a motion with the court requesting relief from the requirement to post a money or property bond. This bill requires the court to determine the financial capacity of the defendant and rule on the motion in an expedited manner.