

# 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 scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

CA  
ROS

L.D. 1134

Date: 6/16/21

(Filing No. H-703)

Majority  
JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 812, L.D. 1134, "An Act To Amend the Maine Bail Code Regarding Certain Conditions of Release and the Maine Criminal Code Regarding Warrantless Arrests"

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

**'An Act To Amend the Maine Bail Code Regarding Certain Conditions of Release'**

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

**'Sec. 1. 15 MRSA §1092, sub-§1**, as amended by PL 2005, c. 449, §2, is further amended to read:

**1. Violation of condition of release.** A defendant who has been granted preconviction or postconviction bail and who, in fact, violates a condition of release is guilty of:

A. A Class E crime; ~~or if the condition is specified in section 1026, subsection 3, paragraph A, subparagraph (4), (5), (8), (13) or (19).~~

B. ~~A Class C crime if the underlying crime was punishable by a maximum period of imprisonment of one year or more and the condition of release violated is one specified in section 1026, subsection 3, paragraph A, subparagraph (5), (8), (10-A) or (13).~~

**Sec. 2. 15 MRSA §1092, sub-§1-A** is enacted to read:

**1-A. Violation of condition of release for certain crimes.** A defendant who has been granted preconviction bail and who, in fact, violates a condition of release is guilty of a Class E crime if that defendant is charged with:

A. A crime against a family or household member, as defined in Title 19-A, section 4002, subsection 4;

B. A sexual assault under Title 17-A, chapter 11; or

C. A violation of a protective order, as specified in section 321, subsection 6; Title 5, section 4659; Title 17-A, section 506-B; or Title 19-A, section 4011.





# 130th MAINE LEGISLATURE

LD 1134

LR 20(02)

## An Act To Amend the Maine Bail Code Regarding Certain Conditions of Release and the Maine Criminal Code Regarding Warrantless Arrests

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-703)

Committee: Judiciary

Fiscal Note Required: Yes

---

### Fiscal Note

Current biennium savings - General Fund

#### Correctional and Judicial Impact Statements

- Eliminates Class C crimes; decreases correctional and judicial costs.
- Establishes new Class E crimes

#### Fiscal Detail and Notes

The bill repeals the Class C crime for violations of some conditions of release and limits the criminal penalty for certain violations to a Class E crime. Sentences for Class C crimes are served in state correctional facilities, while any sentence for a Class E crime is served in a county jail. Any savings to the State as a result of this bill will depend on how many individuals are no longer convicted of this Class C crime. The current average cost of incarcerating an individual for one day in a correctional facility is \$151.24, totaling \$55,203 per year.

Any additional costs to the Judicial Branch to implement the changes included in the bill are expected to be minor and can be absorbed within existing budgeted resources.