

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1412, L.D. 1905, "An Act To Facilitate Communication between Prosecutors and Unrepresented Defendants While Protecting the Rights of Those Defendants"

Amend the bill in section 1 in §815 in subsection 1 in paragraph A in the first line (page 1, line 9 in L.D.) by striking out the following: "a judicial officer" and inserting the following: 'the court'

Amend the bill in section 1 in §815 in subsection 1 striking out all of paragraph C (page 1, lines 22 and 23 in L.D.) and inserting the following:

'C. The defendant has executed in court a written waiver of the right to counsel in each prosecution.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment ensures that a prosecutor does not communicate with an unrepresented defendant about the facts, circumstances, merits or disposition of a criminal charge pending against the defendant before the defendant has knowingly, voluntarily and intelligently waived the defendant's right to counsel. The bill clarifies that the defendant must have been informed of the defendant's right to counsel, including court-appointed counsel if the defendant is indigent, by a judicial officer. This amendment instead requires that the court inform the defendant.

The bill provides that the waiver of the right to counsel must be pursuant to rules adopted by the Supreme Judicial Court. The amendment instead retains the current law, which specifies that the waiver must be in writing, and clarifies that the waiver must be executed in court.

COMMITTEE AMENDMENT