

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 692

H.P. 461

House of Representatives, February 16, 2023

An Act Regarding Eligibility of County Jail Inmates for a Community Confinement Monitoring Program

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DOUDERA of Camden.
Cosponsored by Senator BEEBE-CENTER of Knox and
Representatives: GERE of Kennebunkport, JAUCH of Topsham, RECKITT of South Portland,
RUSSELL of Verona Island, SALISBURY of Westbrook.

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

2 **Sec. 1. 30-A MRSA §1659-A, sub-§1**, as enacted by PL 2009, c. 391, §6, is
3 amended to read:

4 **1. Petition.** A sheriff, upon written request from an inmate eligible under subsection
5 2 for participation in a community confinement monitoring program and recommended by
6 the jail administrator, may assign the inmate to participate in a community confinement
7 monitoring program. At the time of granting this privilege, the sheriff shall determine
8 whether the inmate is responsible for the cost of participating in the program based on the
9 inmate's ability to pay.

10 **Sec. 2. 30-A MRSA §1659-A, sub-§2, ¶C-1** is enacted to read:

11 C-1. The inmate is not serving a sentence for a crime against a family or household
12 member as defined in Title 19-A, section 4102, subsection 6, unless the jail
13 administrator has determined that the inmate is not reasonably likely to pose a risk to
14 the safety of others in the community after the jail administrator has:

15 (1) Reviewed the available criminal history record of the inmate to, at a minimum,
16 identify any patterns of behavior that may indicate the inmate poses a risk to the
17 safety of others in the community;

18 (2) Reviewed and considered any other available evidence that the inmate poses a
19 risk to the safety of others in the community, including the results of any validated,
20 evidence-based domestic violence risk assessment that has been completed by law
21 enforcement in accordance with Title 19-A, section 4114, subsection 6, paragraph
22 E as part of the criminal case for which the inmate is incarcerated;

23 (3) Made a good faith and documented effort to contact the victim of the crime for
24 which the inmate is incarcerated to inform the victim of the inmate's application to
25 participate in a community confinement monitoring program and inquire about any
26 concerns the victim has for the victim's safety or the safety of any member of the
27 victim's household in connection to the inmate's application to participate in a
28 community confinement monitoring program;

29 (4) Considered any concerns provided pursuant to subparagraph (3) by the victim
30 of the crime for which the inmate is incarcerated;

31 (5) Provided notice to the district attorney of the county in which the conviction
32 was entered and a local domestic violence resource center; and

33 (6) Certified that each of the requirements in this subsection has been met. The
34 certification must be on a form recommended by the inspections division of the
35 Department of Corrections and must:

36 (a) Include details regarding any concerns provided pursuant to subparagraph
37 (3) by the victim of the crime for which the inmate is incarcerated, unless the
38 victim has requested otherwise;

39 (b) Be signed by the jail administrator; and

40 (c) Be provided to the sheriff for review prior to the sheriff's approving
41 assignment of the inmate to a community confinement monitoring program.

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If a sheriff assigns an inmate serving a sentence for a crime against a family or household member as defined in Title 19-A, section 4102, subsection 6 to a community confinement monitoring program, a representative from the county jail to which the inmate has been sentenced shall make a good faith attempt to notify the victim of that crime of the assignment at least 10 days prior to the inmate's release from the county jail;

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SUMMARY

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This bill sets limitations on when a sheriff may assign an inmate in a county jail who is serving a sentence for a crime against a family or household member to participate in a community confinement monitoring program. It requires the jail administrator to determine that the inmate is not reasonably likely to pose a risk to the safety of others in the community. In making that determination, the jail administrator is required to, among other things, review and consider the results of an evidence-based risk assessment and the inmate's criminal history record. The bill also requires a good faith attempt to notify the victim of the crime before and after assignment of the inmate to a community confinement monitoring program.