

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1449

S.P. 567

In Senate, March 30, 2023

An Act to Amend the Laws Regarding Violations of Condition of Release

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BEEBE-CENTER of Knox.
Cosponsored by Representative PLUECKER of Warren and
Senator: DUSON of Cumberland, Representative: RECKITT of South Portland.

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

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

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

6 A. A Class E crime; ~~or,~~

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

10 **Sec. 2. 17-A MRSA §207-A, sub-§1, ¶B**, as amended by PL 2021, c. 647, Pt. B,
11 §18 and affected by §65, is further amended to read:

12 B. The person violates paragraph A and at the time of the offense:

13 (1) Has one or more prior convictions for violating paragraph A or for violating
14 section 208-D, 208-E, 208-F, 209-A, 210-B, 210-C or 211-A or one or more prior
15 convictions for engaging in conduct substantially similar to that contained in
16 paragraph A or in section 208-D, 208-E, 208-F, 209-A, 210-B, 210-C or 211-A in
17 another jurisdiction;

18 (2) Has one or more prior convictions for violating Title 19-A, former section
19 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior
20 convictions for engaging in conduct substantially similar to that contained in Title
21 19-A, section 4113, subsection 1 in another jurisdiction; or

22 ~~(3) Has one or more prior convictions for violating Title 15, section 1092,~~
23 ~~subsection 1, paragraph B when the condition of release violated is specified in~~
24 ~~Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when~~
25 ~~the alleged victim in the case for which the defendant was on bail was a family or~~
26 ~~household member as defined in Title 19-A, section 4102, subsection 6; or~~

27 (4) Has one or more prior convictions for violating section 208, 208-B or 208-C,
28 and the State had pled and proved that the victim of the applicable prior conviction
29 was a family or household member, as defined in Title 19-A, section 4102,
30 subsection 6, or has one or more prior convictions in another jurisdiction for
31 engaging in conduct substantially similar to that contained in section 208, 208-B
32 or 208-C and it had been pled and proved that the victim was a family or household
33 member.

34 Violation of this paragraph is a Class C crime.

35 **Sec. 3. 17-A MRSA §209-A, sub-§1, ¶B**, as amended by PL 2021, c. 647, Pt. B,
36 §23 and affected by §65, is further amended to read:

37 B. The person violates paragraph A and at the time of the offense:

38 (1) Has one or more prior convictions for violating paragraph A or for violating
39 section 207-A, 208-D, 208-E, 208-F, 210-B, 210-C or 211-A or one or more prior
40 convictions for engaging in conduct substantially similar to that contained in

1 paragraph A or in section 207-A, 208-D, 208-E, 208-F, 210-B, 210-C or 211-A in
2 another jurisdiction;

3 (2) Has one or more prior convictions for violating Title 19-A, former section
4 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior
5 convictions for engaging in conduct substantially similar to that contained in Title
6 19-A, section 4113, subsection 1 in another jurisdiction; or

7 ~~(3) Has one or more prior convictions for violating Title 15, section 1092,~~
8 ~~subsection 1, paragraph B when the condition of release violated is specified in~~
9 ~~Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when~~
10 ~~the alleged victim in the case for which the defendant was on bail was a family or~~
11 ~~household member as defined in Title 19-A, section 4102, subsection 6; or~~

12 (4) Has one or more prior convictions for violating section 208, 208-B or 208-C,
13 and the State had pled and proved that the victim of the applicable prior conviction
14 was a family or household member, as defined in Title 19-A, section 4102,
15 subsection 6, or has one or more prior convictions in another jurisdiction for
16 engaging in conduct substantially similar to that contained in section 208, 208-B
17 or 208-C and it had been pled and proved that the victim was a family or household
18 member.

19 Violation of this paragraph is a Class C crime.

20 **Sec. 4. 17-A MRSA §210-B, sub-§1, ¶B**, as amended by PL 2021, c. 647, Pt. B,
21 §26 and affected by §65, is further amended to read:

22 B. The person violates paragraph A and at the time of the offense:

23 (1) Has one or more prior convictions for violating paragraph A or for violating
24 section 207-A, 208-D, 208-E, 208-F, 209-A, 210-C or 211-A or one or more prior
25 convictions for engaging in conduct substantially similar to that contained in
26 paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-C or 211-A in
27 another jurisdiction;

28 (2) Has one or more prior convictions for violating Title 19-A, former section
29 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior
30 convictions for engaging in conduct substantially similar to that contained in Title
31 19-A, section 4113, subsection 1 in another jurisdiction; or

32 ~~(3) Has one or more prior convictions for violating Title 15, section 1092,~~
33 ~~subsection 1, paragraph B when the condition of release violated is specified in~~
34 ~~Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when~~
35 ~~the alleged victim in the case for which the defendant was on bail was a family or~~
36 ~~household member as defined in Title 19-A, section 4102, subsection 6; or~~

37 (4) Has one or more prior convictions for violating section 208, 208-B or 208-C,
38 and the State had pled and proved that the victim of the applicable prior conviction
39 was a family or household member, as defined in Title 19-A, section 4102,
40 subsection 6, or has one or more prior convictions in another jurisdiction for
41 engaging in conduct substantially similar to that contained in section 208, 208-B
42 or 208-C and it had been pled and proved that the victim was a family or household
43 member.

1 Violation of this paragraph is a Class C crime.

2 **Sec. 5. 17-A MRSA §210-C, sub-§1, ¶B**, as amended by PL 2021, c. 647, Pt. B,
3 §28 and affected by §65, is further amended to read:

4 B. The person violates paragraph A and at the time of the offense:

5 (1) Has one or more prior convictions for violating paragraph A or for violating
6 section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 211-A or one or more prior
7 convictions for engaging in conduct substantially similar to that contained in
8 paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 211-A in
9 another jurisdiction;

10 (2) Has one or more prior convictions for violating Title 19-A, former section
11 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior
12 convictions for engaging in conduct substantially similar to that contained in Title
13 19-A, section 4113, subsection 1 in another jurisdiction; or

14 ~~(3) Has one or more prior convictions for violating Title 15, section 1092,~~
15 ~~subsection 1, paragraph B when the condition of release violated is specified in~~
16 ~~Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when~~
17 ~~the alleged victim in the case for which the defendant was on bail was a family or~~
18 ~~household member as defined in Title 19-A, section 4102, subsection 6; or~~

19 (4) Has one or more prior convictions for violating section 208, 208-B or 208-C,
20 and the State had pled and proved that the victim of the applicable prior conviction
21 was a family or household member, as defined in Title 19-A, section 4102,
22 subsection 6, or has one or more prior convictions in another jurisdiction for
23 engaging in conduct substantially similar to that contained in section 208, 208-B
24 or 208-C and it had been pled and proved that the victim was a family or household
25 member.

26 Violation of this paragraph is a Class C crime.

27 **Sec. 6. 17-A MRSA §211-A, sub-§1, ¶B**, as amended by PL 2021, c. 647, Pt. B,
28 §30 and affected by §65, is further amended to read:

29 B. The person violates paragraph A and at the time of the offense:

30 (1) Has one or more prior convictions for violating paragraph A or for violating
31 section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 210-C or one or more prior
32 convictions for engaging in conduct substantially similar to that contained in
33 paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 210-C in
34 another jurisdiction;

35 (2) Has one or more prior convictions for violating Title 19-A, former section
36 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior
37 convictions for engaging in conduct substantially similar to that contained in Title
38 19-A, section 4113, subsection 1 in another jurisdiction; or

39 ~~(3) Has one or more prior convictions for violating Title 15, section 1092,~~
40 ~~subsection 1, paragraph B when the condition of release violated is specified in~~
41 ~~Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when~~
42 ~~the alleged victim in the case for which the defendant was on bail was a family or~~
43 ~~household member as defined in Title 19-A, section 4102, subsection 6; or~~

1 (4) Has one or more prior convictions for violating section 208, 208-B or 208-C,
2 and the State had pled and proved that the victim of the applicable prior conviction
3 was a family or household member, as defined in Title 19-A, section 4102,
4 subsection 6, or has one or more prior convictions in another jurisdiction for
5 engaging in conduct substantially similar to that contained in section 208, 208-B
6 or 208-C and it had been pled and proved that the victim was a family or household
7 member.

8 Violation of this paragraph is a Class C crime.

9 **SUMMARY**

10 This bill removes the provisions under the offense of violation of condition of release
11 that increase the offense from a Class E crime to a Class C crime under certain
12 circumstances.