

MAINE STATE LEGISLATURE

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L D 1625

Date 6/8/23

(Filing No S-221)

MAJORITY

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S P 642, L D 1625, "An Act to Update Criminal Indictment Procedures and Expand the Provision of Counsel to Certain Indigent Defendants"

Amend the bill in section 1 in §810 in subsection 2 in the first line (page 1, line 13 in L D) by striking out the following "Before" and inserting the following 'At initial appearance or'

Amend the bill by inserting after section 1 the following

'Sec. 2. Appropriations and allocations. The following appropriations and allocations are made

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative Provides ongoing funding to reimburse legal counsel assigned to certain indigent persons who have a disability or are noncitizens

GENERAL FUND	2023-24	2024-25
All Other	\$21,000	\$28,000
GENERAL FUND TOTAL	<u>\$21,000</u>	<u>\$28,000</u>

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

COMMITTEE AMENDMENT

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SUMMARY

This amendment, which is the majority report of the committee, requires the assignment of counsel by the court as required by the bill to occur at initial appearance or arraignment, instead of before arraignment

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 1625

LR 826(02)

An Act to Update Criminal Indictment Procedures and Expand the Provision of Counsel to Certain Indigent Defendants

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-221)
 Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$21,000	\$28,000	\$28,000	\$28,000
Appropriations/Allocations				
General Fund	\$21,000	\$28,000	\$28,000	\$28,000

Fiscal Detail and Notes

This bill expands the requirement that a court assign defense counsel to an accused indigent person to include a person charged with a Class D or Class E offense who is at risk of imprisonment if convicted and those who either have a disability preventing them from fairly participating in the criminal proceeding without counsel or who are noncitizens for whom the criminal proceeding poses a risk of adverse immigration consequences

The bill includes ongoing General Fund appropriations of \$21,000 in fiscal year 2023-24 and \$28,000 in fiscal year 2024-25 to the Maine Commission on Indigent Legal Services to reimburse counsel assigned to persons under these expanded requirements. The fiscal estimate relies on available data on rates of poverty, disability, and noncitizens in the state population, court caseloads and per case costs of indigent legal services for nonfelony cases. It also takes into account that the court presently assigns defense counsel for individuals covered by the requirements in many cases. Finally, the estimate assume an effective date of October 1, 2023