



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 516

S.P. 177

In Senate, February 9, 2017

### An Act To Reduce the Cost of Pretrial Detention

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator DION of Cumberland.  
Cosponsored by Representative WARREN of Hallowell and  
Senators: BRAKEY of Androscoggin, CHIPMAN of Cumberland, Representative:  
HARRINGTON of Sanford.

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

2 **Sec. 1. 30-A MRSA §1662** is enacted to read:

3 **§1662. Cost of pretrial detention for nonviolent Class D and Class E crimes**

4 **1. Definition.** For the purposes of this section, "nonviolent Class D or Class E  
5 crime" means a Class D or Class E crime other than a violation of Title 17-A, chapter 9,  
6 11, 12 or 13; a violation of Title 17-A, section 506-B; a violation of Title 17-A, section  
7 1002 or 1004; or a crime involving domestic violence as defined in Title 15, section  
8 1003, subsection 3-A.

9 **2. Cost of pretrial detention.** A law enforcement agency that commits a prisoner to  
10 the sheriff's charge prior to arraignment on a nonviolent Class D or Class E crime shall  
11 reimburse the sheriff, at a rate equal to the per diem per prisoner amount paid by the  
12 Department of Corrections to the county jails and calculated pursuant to Title 34-A,  
13 section 1210-D, subsection 4, paragraph D, for each day that the prisoner is held by the  
14 sheriff prior to arraignment and shall pay a one-time surcharge of \$50 to the sheriff for  
15 holding the prisoner.

16 **SUMMARY**

17 This bill requires a law enforcement agency that commits a prisoner to the sheriff's  
18 charge prior to arraignment on a nonviolent Class D or Class E crime to reimburse the  
19 sheriff for each day that the prisoner is held by the sheriff prior to arraignment and to pay  
20 a one-time surcharge of \$50 for holding the prisoner. The bill defines "nonviolent Class D  
21 or Class E crime" to mean a Class D or Class E crime other than a violation of the Maine  
22 Revised Statutes, Title 17-A, chapter 9, 11, 12 or 13; a violation of Title 17-A, section  
23 506-B; a violation of Title 17-A, section 1002 or 1004; or a crime involving domestic  
24 violence as defined in Title 15, section 1003, subsection 3-A. The bill requires that the  
25 per diem rate for the prisoner is the same per diem rate that is established by the  
26 Department of Corrections for the purposes of funding county jail operations.