

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Regarding the Violation of Bail

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

Sec. 1. 15 MRSA §1094, sub-§4-A is enacted to read:

4-A. Penalty. A person who violates this section commits a civil violation for which a fine of \$100 must be adjudged.

Sec. 2. 15 MRSA §1097, sub-§4, as enacted by PL 1995, c. 356, §19, is amended to read:

4. No new bail consideration when bail has been revoked and denied in District Court. When a District Court judge has, after revocation, ordered the defendant held without bail, the defendant is not entitled to have bail set when charges are brought by indictment for the same underlying conduct. If the defendant has not previously appealed the District Court bail revocation, the Superior Court may, upon request of the defendant, entertain the appeal at the defendant's arraignment. A defendant must be held without bail if the defendant has committed at least 4 violations of section 1094 for the same underlying offense.

Sec. 3. 15 MRSA §1097, sub-§5 is enacted to read:

5. Conditions of release after hearing. A defendant who has been found in violation of section 1094 after a hearing under this section may not be released on subsequent bail until the defendant has spent at least 24 hours in custody for a first violation of section 1094, 48 hours in custody for a second violation of section 1094 and 72 hours in custody for a third violation of section 1094 for the same underlying offense.

Sec. 4. 15 MRSA §1099-A, sub-§1, as enacted by PL 1995, c. 356, §19, is amended to read:

1. Held without bail. The judge or justice shall order the defendant held without bail unless the judge or justice finds that under the facts of the case it would be unreasonable to do so, in which event the judge or justice shall issue an order under section 1051. A defendant must be held without bail if the defendant has committed at least 4 violations of section 1094 for the same underlying offense.

Sec. 5. 15 MRSA §1099-A, sub-§3 is enacted to read:

3. Conditions of release after hearing. A defendant who has been found in violation of section 1094 after a hearing under this section may not be released on subsequent bail until the defendant has spent at least 24 hours in custody for a first violation of section 1094, 48 hours in custody for a second violation of section 1094 and 72 hours in custody for a third violation of section 1094 for the same underlying offense.

SUMMARY

This bill amends the bail code by requiring that a person who fails to appear when required or violates a condition of bail commits a civil violation for which a fine of \$100 must be adjudged. This bill also requires that a person who violates bail, before being released on subsequent bail, must spend at least 24 hours in custody for a first violation, 48 hours in custody for a second violation and 72 hours in custody for a third violation of bail for the same underlying offense. A person who violates bail on the same underlying offense at least 4 times must be held without bail.