

§1092. Violation of condition of release

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

A. A Class E crime; or [PL 2003, c. 452, Pt. H, §3 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A Class C crime if the underlying crime was punishable by a maximum period of imprisonment of one year or more and the condition of release violated is one specified in section 1026, subsection 3, paragraph A, subparagraph (5) or (8). [PL 2023, c. 293, §1 (AMD).]

[PL 2023, c. 293, §1 (AMD).]

2. Affirmative defense. It is an affirmative defense to prosecution under subsection 1 that the violation resulted from just cause.

[PL 2003, c. 452, Pt. H, §3 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[PL 2003, c. 452, Pt. H, §3 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Limitations on authority of bail commissioner to set bail. A court may, but a bail commissioner may not, set bail for a defendant granted preconviction or post-conviction bail who has been arrested for an alleged violation of this section if:

A. The condition of release alleged to be violated relates to new criminal conduct for a crime classified as Class C or above or for a Class D or Class E crime involving domestic violence, sexual assault pursuant to Title 17-A, chapter 11 or sexual exploitation of minors pursuant to Title 17-A, chapter 12; [PL 2011, c. 341, §3 (NEW).]

B. The underlying crime for which preconviction or post-conviction bail was granted is classified as Class C or above; or [PL 2013, c. 519, §3 (AMD).]

C. The underlying crime for which preconviction or post-conviction bail was granted is a crime involving domestic violence, sexual assault pursuant to Title 17-A, chapter 11 or sexual exploitation of minors pursuant to Title 17-A, chapter 12. [PL 2013, c. 519, §3 (AMD).]

If a bail commissioner does not have sufficient information to determine whether the violation of the condition of release meets the criteria set forth under this subsection, the bail commissioner may not set bail on the violation of the condition of release.

[PL 2013, c. 519, §3 (AMD).]

SECTION HISTORY

PL 1987, c. 758, §20 (NEW). PL 1987, c. 870, §9 (AMD). PL 1995, c. 356, §17 (AMD). PL 2003, c. 452, §H3 (RPR). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 449, §2 (AMD). PL 2011, c. 341, §3 (AMD). PL 2013, c. 519, §3 (AMD). PL 2023, c. 293, §1 (AMD).

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