



131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1625

S.P. 642

In Senate, April 12, 2023

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

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 Senators: DUSON of Cumberland, LaFOUNTAIN of Kennebec.

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

2 **Sec. 1. 15 MRSA §810**, as amended by P&SL 1975, c. 147, Pt. C, §14, is repealed
3 and the following enacted in its place:

4 **§810. Copy of indictment furnished; witnesses; assignment of counsel**

5 **1. Copy of indictment furnished; witnesses.** The clerk shall, without charge, furnish
6 to any person indicted for a crime a copy of the indictment unless the indictment is sealed.
7 If the person is indicted for a crime punishable by imprisonment for life, the clerk shall
8 furnish a copy of the indictment, a list of the jurors returned and process to obtain witnesses,
9 to be summoned and paid at the expense of the State; if for a crime punishable by
10 imprisonment for a term of years, witnesses may be summoned and paid at the expense of
11 the State only by order of the court under circumstances that the Supreme Judicial Court
12 provides by rule.

13 **2. Assignment of counsel.** Before arraignment, competent defense counsel must be
14 assigned by the court unless waived by the accused after being fully advised of the
15 accused's rights by the court if the court determines that the accused is indigent and that:

16 A. The accused is charged with murder or a Class A, B or C crime;

17 B. There is a risk upon conviction that the accused may be sentenced to a term of
18 imprisonment;

19 C. The accused has a physical, mental or emotional disability preventing the accused
20 from fairly participating in the criminal proceeding without counsel; or

21 D. The accused is a noncitizen for whom the criminal proceeding poses a risk of
22 adverse immigration consequences.

23 **SUMMARY**

24 This bill requires that all persons indicted for a crime receive a copy of the indictment
25 unless the indictment is under seal. It requires the court to assign counsel to a person who
26 is determined to be indigent and for whom there is a risk if convicted of being sentenced to
27 a term of imprisonment, who has a physical, mental or emotional disability preventing the
28 person from fairly participating in the criminal proceeding without counsel or who is a
29 noncitizen for whom the criminal proceeding poses a risk of adverse immigration
30 consequences. The bill also removes provisions that the court order reasonable
31 compensation to counsel and updates outdated language.