



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1817

S.P. 709

In Senate, April 29, 2025

An Act to Implement the Recommendation of the Maine Commission on Public Defense Services to Eliminate the Crime of Violation of Condition of Release

Reported by Senator CARNEY of Cumberland for the Joint Standing Committee on
Judiciary pursuant to the Maine Revised Statutes, Title 4, section 1804, subsection 3, paragraph
H.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint
Rule 218.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

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

2 **Sec. 1. 15 MRSA §1023, sub-§4, ¶D**, as amended by PL 2015, c. 436, §1, is
3 repealed.

4 **Sec. 2. 15 MRSA §1026, sub-§3, ¶B-1**, as amended by PL 2023, c. 405, Pt. E, §§1
5 and 2, is further amended by repealing subparagraph (3).

6 **Sec. 3. 15 MRSA §1026, sub-§3, ¶B-1**, as amended by PL 2023, c. 405, Pt. E,
7 §§1 and 2, is further amended by amending subparagraph (4) to read:

8 (4) That ~~is a violation of a condition of release premised on an allegation of~~
9 represents new criminal conduct committed while the person was released on
10 preconviction or post-conviction bail;

11 **Sec. 4. 15 MRSA §1092**, as amended by PL 2023, c. 293, §1, is repealed.

12 **Sec. 5. 15 MRSA §6203, sub-§1, ¶C**, as enacted by PL 2023, c. 199, §1, is
13 amended to read:

14 C. To prosecute a survivor for any crime of failure to appear, or failure to report ~~or~~
15 ~~violation of condition of release~~ under sections section 1091, or 1091-A ~~and 1092~~,
16 respectively;

17 **Sec. 6. 15 MRSA §6203, sub-§2, ¶C**, as enacted by PL 2023, c. 199, §1, is
18 amended to read:

19 C. Any crime of failure to appear, or failure to report ~~or violation of condition of~~
20 ~~release~~ under sections section 1091, or 1091-A ~~or 1092~~, respectively;

21 **Sec. 7. 17-A MRSA §15, sub-§1, ¶A**, as amended by PL 2023, c. 465, §1, is further
22 amended by repealing subparagraph (10).

23 **Sec. 8. 17-A MRSA §207-A, sub-§1, ¶B**, as amended by PL 2023, c. 465, §3, is
24 further amended by amending subparagraph (3) to read:

25 (3) Has one or more prior convictions for violating former Title 15, section 1092,
26 subsection 1, paragraph B when the condition of release violated is specified in
27 Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when
28 the alleged victim in the case for which the defendant was on bail was a family or
29 household member as defined in Title 19-A, section 4102, subsection 6 or a dating
30 partner as defined in Title 19-A, section 4102, subsection 4; or

31 **Sec. 9. 17-A MRSA §209-A, sub-§1, ¶B**, as amended by PL 2023, c. 465, §8, is
32 further amended by amending subparagraph (3) to read:

33 (3) Has one or more prior convictions for violating former Title 15, section 1092,
34 subsection 1, paragraph B when the condition of release violated is specified in
35 Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when
36 the alleged victim in the case for which the defendant was on bail was a family or
37 household member as defined in Title 19-A, section 4102, subsection 6 or a dating
38 partner as defined in Title 19-A, section 4102, subsection 4; or

39 **Sec. 10. 17-A MRSA §210-B, sub-§1, ¶B**, as amended by PL 2023, c. 465, §10,
40 is further amended by amending subparagraph (3) to read:

(3) Has one or more prior convictions for violating former Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4; or

Sec. 11. 17-A MRSA §210-C, sub-§1, ¶B, as amended by PL 2023, c. 465, §12, is further amended by amending subparagraph (3) to read:

(3) Has one or more prior convictions for violating former Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4; or

Sec. 12. 17-A MRSA §211-A, sub-§1, ¶B, as amended by PL 2023, c. 465, §14, is further amended by amending subparagraph (3) to read:

(3) Has one or more prior convictions for violating former Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4; or

Sec. 13. 17-A MRSA §1802, sub-§1, ¶B, as amended by PL 2021, c. 447, §4 and c. 647, Pt. B, §38 and affected by §65, is further amended by amending subparagraph (9) to read:

(9) A Class D or Class E crime under Title 29-A, section 2411, subsection 1-A, paragraph B; or

Sec. 14. 17-A MRSA §1802, sub-§1, ¶B, as amended by PL 2021, c. 447, §4 and c. 647, Pt. B, §38 and affected by §65, is further amended by amending subparagraph (10) to read:

(10) A Class D crime under Title 17, section 1031; ~~or~~

Sec. 15. 17-A MRSA §1802, sub-§1, ¶B, as amended by PL 2021, c. 447, §4 and c. 647, Pt. B, §38 and affected by §65, is further amended by repealing subparagraph (11).

Sec. 16. 25 MRSA §6001, sub-§1, ¶I, as enacted by PL 2021, c. 394, §1, is amended by amending subparagraph (1), division (b) to read:

(b) Is a Class D or Class E crime under the laws of this State that is a violation of Title 17-A, chapter 9, 11, 12, 13 or 35; ~~Title 15, section 1092, if the violation is based on a condition under Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8); or Title 19-A, section 4011; or~~

SUMMARY

This bill is reported out by the Joint Standing Committee on Judiciary to implement a recommendation of the Maine Commission on Public Defense Services. The committee has not taken a position on the substance of this bill. By reporting this bill out, the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of this bill; instead, the committee is reporting the bill out for the sole purpose of having a bill printed that can be referred to the committee for an appropriate public hearing and subsequent processing in the normal course. The committee is taking this action to ensure clarity and transparency in the legislative review of the proposals contained in the bill.

The bill repeals the provision of the Maine Bail Code making it a crime for a defendant to violate a condition of that defendant's release on preconviction or post-conviction bail. The bill does not, however, prevent a defendant from being charged with a crime, other than violation of conditional release, for criminal conduct that the defendant allegedly commits while on preconviction or post-conviction bail. The bill does not prevent a court from revoking or modifying the defendant's preconviction or post-conviction bail on the basis of the bail violation.