

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

## **An Act To Allow Law Enforcement Officers To Obtain a Personal Recognizance Bond in Certain Cases**

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

**Sec. 1. 14 MRSA §3135, 2nd ¶**, as amended by PL 1987, c. 708, §10, is further amended to read:

After a civil order of arrest has been issued, the sheriff shall cause the individual named in the order to be arrested and shall deliver ~~him~~the individual without undue delay to the division of the District Court designated in the civil order of arrest or obtain from the debtor a personal recognizance bond to appear in court at the specified date and time. Should the debtor fail to appear at that time a warrant may issue for the debtor's arrest. The sheriff may take such steps as ~~he determines~~determined necessary for ~~his~~the sheriff's safety or the safety of others then present, including searching the debtor for weapons, if ~~he~~the sheriff has a reasonable suspicion that the debtor has a weapon, and handcuffing the debtor if that is necessary to transport the debtor to the court or to cause the debtor to remain peaceably at the court. Upon arrival at the court, the sheriff shall notify the clerk or bailiff that the debtor is present and may release the debtor into the custody of the bailiff. The sheriff shall instruct the debtor that the debtor must wait at the court until released by the court or clerk. Upon release of the debtor into the custody of the bailiff, the sheriff need not remain with the debtor at the court. A debtor who fails to appear for the disclosure hearing after being released upon the debtor's personal recognizance commits a Class E crime.

**Sec. 2. 14 MRSA §3135, 4th ¶**, as amended by PL 1995, c. 694, Pt. D, §20 and affected by Pt. E, §2, is further amended to read:

Unless the judgment debtor shows good cause for failure to appear after being duly served with a disclosure subpoena under section 3123, a contempt subpoena under section 3136 or an order to appear and disclose under Title 19-A, section 2361, the debtor must be ordered to pay the costs of issuing and serving the civil order for arrest. The costs of issuing and serving the civil order for arrest are ~~\$25~~\$50 plus mileage at a rate of ~~22¢~~42¢ per mile. The fee payable to sheriffs and their deputies for civil orders for arrest is governed by Title 30-A, section 421, subsection 6.

**Sec. 3. 30-A MRSA §421, sub-§6**, as amended by PL 1991, c. 498, §2, is further amended to read:

**6. Civil arrests and custody.** For civil arrests and custody under the arrest, including arrest and custody under paternity proceedings, ~~\$25~~\$50 plus mileage at a rate of ~~22¢~~42¢ per mile;

### **SUMMARY**

This bill amends the civil order of arrest law by allowing a sheriff to release a debtor upon the debtor's personal recognizance and increases the costs of the arrest order from \$25 to \$50 and the mileage rate from 22¢ to 42¢ per mile.