

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 Interstate Compact for Adult Offender Supervision**

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

**Sec. 1. 34-A MRSA §9887**, as enacted by PL 2005, c. 329, §13, is amended to read:

### **§ 9887. Supervision fee**

The department may impose on a person accepted for supervision under this compact a supervision fee of between \$10 and \$50 per month, as determined by the department, for the term of supervision by the department. In determining the amount of the fee, the department shall take into account the financial resources of the person and the nature of the burden the payment imposes. A request for transfer of supervision may not be denied solely because the person is not able to pay the fee. When a person fails to pay the supervision fee, the department may request the person's return to the sending state unless the failure to pay was not attributable to the person's willful refusal to pay or to a failure on the person's part to make a good faith effort to obtain the funds required for the payment. Fees received by the department pursuant to this section must be deposited into the department's adult community corrections account, which may not lapse. Fees deposited pursuant to this section must be used to defray costs associated with the supervision of persons accepted for transfer, including, but not limited to, the purchase of materials and equipment for and operation of electronic monitoring and substance testing programs, the purchase of materials, equipment and training for probation officers and administrative costs.

**Sec. 2. 34-A MRSA §9887-A** is enacted to read:

### **§ 9887-A. Application fee**

The department may impose on a person applying for transfer of supervision to another state under this compact an application fee of between \$100 and \$250, as determined by the department. In determining the amount of the fee, the department shall take into account the financial resources of the person and the nature of the burden the payment imposes. An application for transfer of supervision may not be denied solely because the person is not able to pay the fee. When a person fails to pay the application fee, the department may refuse to process the application unless the failure to pay was not attributable to the person's willful refusal to pay or to a failure on the person's part to make a good faith effort to obtain the funds required for the payment. Fees received by the department pursuant to this section must be deposited into the department's adult community corrections account, which may not lapse. Fees deposited pursuant to this section must be used to defray costs associated with processing the applications for transfer, including, but not limited to, the purchase of materials, equipment and training for probation officers and administrative costs.

**Sec. 3. 34-A MRSA §9887-B** is enacted to read:

### **§ 9887-B. Biological sample for DNA analysis**

A person accepted for supervision under this compact shall submit to having a DNA sample taken if the offense for which supervision is being provided includes the essential elements of an offense set out in Title 25, section 1574, subsection 5. The DNA sample may be taken at any time following commencement of the supervision period as directed by the person's probation officer. All other provisions of Title 25, chapter 194 govern the collection and use of the DNA sample as applicable.

## **SUMMARY**

This bill permits the Department of Corrections to require the payment of a fee by adult probationers who apply for a transfer of supervision under the Interstate Compact for Adult Offender Supervision to another state. It includes appropriate safeguards to ensure that lack of ability to pay the fee does not result in an adverse action.

The bill also requires that application fees paid by persons applying to transfer to other states and supervision fees paid by persons transferring to Maine must be deposited into the department's nonlapsing adult community corrections account to offset associated costs.

The bill also requires that a person transferring to Maine for supervision in the community submit to the taking of a DNA sample if the offense for which the person is being supervised is one that includes the essential elements of a Maine crime requiring submission to the taking of a DNA sample.