



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 692

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H.P. 461

House of Representatives, February 16, 2023

### **An Act Regarding Eligibility of County Jail Inmates for a Community Confinement Monitoring Program**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative DOUDERA of Camden.  
Cosponsored by Senator BEEBE-CENTER of Knox and  
Representatives: GERE of Kennebunkport, JAUCH of Topsham, RECKITT of South Portland,  
RUSSELL of Verona Island, SALISBURY of Westbrook.

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

2 **Sec. 1. 30-A MRSA §1659-A, sub-§1**, as enacted by PL 2009, c. 391, §6, is  
3 amended to read:

4 **1. Petition.** A sheriff, upon written request from an inmate eligible under subsection  
5 2 for participation in a community confinement monitoring program and recommended by  
6 the jail administrator, may assign the inmate to participate in a community confinement  
7 monitoring program. At the time of granting this privilege, the sheriff shall determine  
8 whether the inmate is responsible for the cost of participating in the program based on the  
9 inmate's ability to pay.

10 **Sec. 2. 30-A MRSA §1659-A, sub-§2, ¶C-1** is enacted to read:

11 C-1. The inmate is not serving a sentence for a crime against a family or household  
12 member as defined in Title 19-A, section 4102, subsection 6, unless the jail  
13 administrator has determined that the inmate is not reasonably likely to pose a risk to  
14 the safety of others in the community after the jail administrator has:

15 (1) Reviewed the available criminal history record of the inmate to, at a minimum,  
16 identify any patterns of behavior that may indicate the inmate poses a risk to the  
17 safety of others in the community;

18 (2) Reviewed and considered any other available evidence that the inmate poses a  
19 risk to the safety of others in the community, including the results of any validated,  
20 evidence-based domestic violence risk assessment that has been completed by law  
21 enforcement in accordance with Title 19-A, section 4114, subsection 6, paragraph  
22 E as part of the criminal case for which the inmate is incarcerated;

23 (3) Made a good faith and documented effort to contact the victim of the crime for  
24 which the inmate is incarcerated to inform the victim of the inmate's application to  
25 participate in a community confinement monitoring program and inquire about any  
26 concerns the victim has for the victim's safety or the safety of any member of the  
27 victim's household in connection to the inmate's application to participate in a  
28 community confinement monitoring program;

29 (4) Considered any concerns provided pursuant to subparagraph (3) by the victim  
30 of the crime for which the inmate is incarcerated;

31 (5) Provided notice to the district attorney of the county in which the conviction  
32 was entered and a local domestic violence resource center; and

33 (6) Certified that each of the requirements in this subsection has been met. The  
34 certification must be on a form recommended by the inspections division of the  
35 Department of Corrections and must:

36 (a) Include details regarding any concerns provided pursuant to subparagraph  
37 (3) by the victim of the crime for which the inmate is incarcerated, unless the  
38 victim has requested otherwise;

39 (b) Be signed by the jail administrator; and

40 (c) Be provided to the sheriff for review prior to the sheriff's approving  
41 assignment of the inmate to a community confinement monitoring program.

