

Date:

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## CRIMINAL JUSTICE AND PUBLIC SAFETY

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### STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 112, L.D. 179, “An Act to Amend the Maine Bail Code to Eliminate the Class E Crime of Violation of Condition of Release”

Amend the bill by striking out the title and substituting the following:

**'Resolve, to Study the Feasibility of Repealing the Class E Crime of Violation of Condition of Release'**

Amend the bill by striking out everything after the title and inserting the following:

**'Preamble. Whereas,** between 8,500 and 9,500 Class E violations of conditions of release have been charged across the State in each of the last 5 years; and

**Whereas,** the Legislature observes a need to maintain a strong coordinated community response to bail violations that impact victim safety; and

**Whereas,** eliminating the Class E crime of violation of condition of release and developing alternative mechanisms to maintain an equivalent ability to address bail violations in such cases will require input and collaboration from several stakeholders; now, therefore, be it

**Sec. 1. Administrative Office of Courts to convene working group. Resolved:** That the Administrative Office of the Courts shall convene a working group of stakeholders to study the feasibility of removing the Class E crime of violation of condition of release and, if appropriate, study alternative mechanisms to replace the Class E crime of violation of condition of release that aligns with the purpose and intent of the Maine Bail Code.

**Sec. 2. Working group membership. Resolved:** That the working group under section 1 must include, at a minimum, the following members:

1. The State Court Administrator of the Administrative Office of the Courts or the administrator's designee;
2. One or more representatives of the judicial branch with expertise in the Maine Bail Code and criminal court process and database management;

- 1           3. A representative of the Department of Public Safety, Bureau of State Police, State
- 2 Bureau of Identification with expertise in state and federal law enforcement databases;
- 3           4. A representative of a statewide association representing chiefs of police;
- 4           5. A representative of a statewide association representing sheriffs;
- 5           6. A representative of the Department of Public Safety, Bureau of State Police;
- 6           7. A representative of a statewide organization with expertise in the pretrial monitoring
- 7 of individuals charged with crimes;
- 8           8. A representative of a statewide association of prosecutors;
- 9           9. A representative of a statewide association of criminal defense lawyers;
- 10          10. A representative of the Maine Commission on Public Defense Services;
- 11          11. A representative of a statewide organization of domestic violence service
- 12 providers;
- 13          12. A representative of a statewide organization of sexual assault victim support
- 14 service providers; and
- 15          13. A representative of a statewide organization advocating for civil liberties.

16           The working group may invite the participation of additional members as necessary to

17 carry out the purposes of the study and may consult with any individual or organization

18 considered appropriate by the working group.

19           **Sec. 3. Duties of working group. Resolved:** That the working group under

20 section 1 shall study the feasibility of repealing the Class E crime of violation of condition

21 of release and shall consider and address, at a minimum, the following related matters:

- 22           1. How to maintain a response to violations of bail that implicate victim safety that is
- 23 equivalent to the response under current law;
- 24           2. Whether there are case types for which violations of conditions of release should be
- 25 addressed in a specialized way, including, but not limited to, cases involving domestic
- 26 violence and sexual assault;
- 27           3. Whether protective orders may be used as an alternative mechanism for crimes
- 28 between family members;
- 29           4. How to ensure judicial officers can still access and consider information about prior
- 30 compliance with conditions of release in making determinations about current conditions
- 31 of release;
- 32           5. How to address a motion to revoke bail when the violation of a condition of release
- 33 occurred in a different county than the county in which the underlying case is charged;
- 34           6. How to address a violation of conditions of release that occurs prior to the State's
- 35 having filed the necessary complaint with the court;
- 36           7. How to address the current use of violations of conditions of release as sanctions
- 37 for those participating in Maine's treatment courts;
- 38           8. Whether there are any other modifications to the Maine Bail Code needed to
- 39 implement the repeal of the Class E crime of violation of condition of release;

9. How to address post-conviction bail violations;
10. Estimated costs for implementation of the recommendations; and
11. A reasonable time frame for implementation.

**Sec. 4. Report. Resolved:** That, by January 1, 2026, the Administrative Office of the Courts shall submit a report containing the findings and recommendations of the working group under section 1, including proposed legislation, to the Joint Standing Committee on Criminal Justice and Public Safety. The committee may submit legislation based on the report to the Second Regular Session of the 132nd Legislature.

**Sec. 5. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

#### **JUDICIAL DEPARTMENT**

##### **Courts - Supreme, Superior and District 0063**

Initiative: Establishes one Criminal Process Specialist position and provides funding for related All Other costs.

<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$129,599	\$136,283
All Other	\$1,200	\$1,200
<b>GENERAL FUND TOTAL</b>	<b>\$130,799</b>	<b>\$137,483</b>

##### **Courts - Supreme, Superior and District 0063**

Initiative: Provides one-time funding for an active retired judge to participate in the working group.

<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
All Other	\$4,200	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$4,200</b>	<b>\$0</b>

#### **JUDICIAL DEPARTMENT DEPARTMENT TOTALS**

	<b>2025-26</b>	<b>2026-27</b>
<b>GENERAL FUND</b>	<b>\$134,999</b>	<b>\$137,483</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$134,999</b>	<b>\$137,483</b>

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

#### **SUMMARY**

This amendment, which is the minority report of the committee, changes the title and replaces the bill with a resolve. The amendment directs the judicial branch to convene a

1 working group to study the feasibility of repealing the Class E crime of violation of  
2 condition of release and finding suitable alternatives to maintain public safety that align  
3 with the intent and purposes of the Maine Bail Code. In accomplishing this goal, the  
4 working group must consider the following:

5 1. How to maintain a response to violations of bail that implicate victim safety that is  
6 equivalent to the response under current law;

7 2. Whether there are case types for which violations of conditions of release should be  
8 addressed in a specialized way, including, but not limited to, cases involving domestic  
9 violence and sexual assault;

10 3. Whether protective orders may be used as an alternative mechanism for crimes  
11 between family members;

12 4. How to ensure judicial officers can still access and consider information about prior  
13 compliance with conditions of release in making determinations about current conditions  
14 of release;

15 5. How to address a motion to revoke bail when the violation of a condition of release  
16 occurred in a different county than the county in which the underlying case is charged;

17 6. How to address a violation of conditions of release that occurs prior to the State's  
18 having filed the necessary complaint with the court;

19 7. How to address the current use of violations of conditions of release as sanctions  
20 for those participating in Maine's treatment courts;

21 8. Whether there are any other modifications to the Maine Bail Code needed to  
22 implement the repeal of the Class E crime of violation of condition of release;

23 9. How to address post-conviction bail violations;

24 10. Estimated costs for implementation of the recommendations; and

25 11. A reasonable time frame for implementation.

26 The judicial branch must submit a report to the Joint Standing Committee on Criminal  
27 Justice and Public Safety by January 1, 2026, and the committee may report out legislation  
28 based on the report to the Second Regular Session of the 132nd Legislature.

29 **FISCAL NOTE REQUIRED**

30 **(See attached)**