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(Filing No. S- )

**JUDICIARY**

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**STATE OF MAINE  
SENATE  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 244, L.D. 576, “An Act to Facilitate Communication Between Pro Se Defendants and Assistant District Attorneys”

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

**'An Act to Facilitate Communication Between Pro Se Defendants and Prosecutors While Protecting the Rights of Those Defendants '**

Amend the bill by inserting after the title and before the enacting clause the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the enactment of the Maine Revised Statutes, Title 15, section 815, which prohibits most communication between prosecutors and unrepresented defendants, has contributed to a backlog of criminal cases in the judicial system; and

**Whereas,** this legislation authorizes prosecutors to send written plea offers to unrepresented defendants, to inform unrepresented defendants of diversion programs or steps they can take to avoid pursuit of pending criminal charges and, after unrepresented defendants have been informed of their rights by the court, to negotiate with unrepresented defendants when they appear for dispositional conferences and to communicate with unrepresented defendants who initiate such communications; and

**Whereas,** the intent of authorizing these forms of communication is to decrease delays in the judicial system while continuing to recognize the fundamental nature of criminal defendants' right to counsel; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

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

**COMMITTEE AMENDMENT**



1           4. Request the defendant's position on a motion to continue or a motion to correct a  
2           typographical error in a document filed with the court.

3           The amendment also provides that a prosecutor may communicate with an  
4           unrepresented defendant either if the communication is initiated by the defendant or during  
5           a dispositional conference as long as the defendant has first been advised by the court of  
6           the defendant's right to counsel, right to remain silent and right to a trial by jury and the  
7           defendant has been informed by the court of the substance of the charges and the maximum  
8           possible sentence and any mandatory minimum sentence associated with those charges.