

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 461 - L.D. 692

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

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

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

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

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

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

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

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

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

victim's household in connection to the inmate's application to participate in a community confinement monitoring program;

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

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

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

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

(b) Be signed by the jail administrator; and

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

If a sheriff assigns an inmate serving a sentence for a crime against a family or household member as defined in Title 19-A, section 4102, subsection 6 to a community confinement monitoring program, a representative from the county jail to which the inmate has been sentenced shall make a good faith attempt to notify the victim of that crime of the assignment at least 10 days prior to the inmate's release from the county jail. Notification of the victim under this paragraph must be made both by mail and by phone or in person;