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Date: (Filing No. S-)

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STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to S.P. 642, L.D. 1625, “An Act to Update Criminal Indictment Procedures and Expand the Provision of Counsel to Certain Indigent Defendants”

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

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

'**Sec. 1. 15 MRSA §810**, as amended by P&SL 1975, c. 147, Pt. C, §14, is repealed and the following enacted in its place:

§810. Copy of indictment furnished; assignment of counsel

1. Copy of indictment furnished. The clerk shall, without charge, furnish to any person indicted for a crime a copy of the indictment unless the indictment is sealed.

2. Assignment of counsel before arraignment. Before arraignment, competent defense counsel must be assigned by the court unless waived by the accused after being fully advised of the accused's rights by the court if the court determines that the accused is indigent and the accused is charged with murder or a Class A, B or C crime, except when the accused has not had an initial appearance on the complaint.

3. Assignment of counsel at arraignment. Competent defense counsel must be assigned by the court unless waived by the accused after being fully advised of the accused's rights by the court if the court determines that the accused is indigent and that:

A. There is a risk upon conviction that the accused may be sentenced to a term of imprisonment;

B. The accused has a physical, mental or emotional disability preventing the accused from fairly participating in the criminal proceeding without counsel; or

C. The accused is a noncitizen for whom the criminal proceeding poses a risk of adverse immigration consequences.'

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

SENATE AMENDMENT

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SUMMARY

This amendment removes the appropriations and allocations section from Committee Amendment "A". It removes from the bill a requirement to furnish to a person indicted for a crime a list of jurors and a process to obtain witnesses and provisions regarding payment of witnesses. The amendment requires assignment of counsel for an accused person who is indigent before arraignment for persons accused of murder or a Class A, B or C crime and at arraignment under the other conditions in the bill as amended.

SPONSORED BY: _____

(Senator ROTUNDO, M.)

COUNTY: Androscoggin