

Larry Dansinger
Bangor
LD 1449

April 9, 2023

To members of the Committee on Judiciary of the Maine Legislature:

I am writing to the Committee to offer qualified support for LD 1449, “An Act to Amend the Laws Regarding Violations of Condition of Release.” Support is qualified based on what I hope is a significant number who are released and not held in jail as a result of changing bail violations from Class C to Class E. Bail violations should be sanctioned in some other way, rather than individuals being returned to jail without an option of release before trial. I hope that changing these violations to Class E will mean that those charged with bail violations will no longer be returned to jail but will be dealt with in some other way.

Maine’s county jails have too many people in them. Most are considered “pre-trial,” which means they are being locked up even though they are deemed innocent until proven guilty. Except in those cases where a person is determined to be either a flight risk or a danger to some member(s) of the community, such as a person charged with domestic or sexual violence, no one should be held before trial. The current bail system is unfair—it allows those with money, or access to it, to be released while those who do not have enough of it are locked up until trial. Attempting to establish a defense while incarcerated is difficult, sometimes impossible. It is a corruption of our current criminal punishment system and creates an imbalance in a justice system.

The majority of those in jail have problems with either mental health (MH), substance use disorder (SUD), or both. In many cases, they have been arrested even though their real problem is a public health issue. They should be receiving treatment for those MH or SUD issues, not locked up in places where those conditions may get worse and are unlikely to get better, even if there are programs offered in the jail. This is expensive for all Maine people and detrimental to our communities, because those individuals should be receiving treatment so they can get better, which can’t happen effectively if they are in jail. Enabling more of those charged with a crime to get help or treatment can reduce crime in the long term in our state.

In many cases, those who are locked up for bail violations are punished for an act that is not illegal. It is only a condition of bail. This is excessive punishment. There can and ought to be some other sanction for that violation, but being locked up without any way to be released should not be one of those.

Please support LD 1449.

Sincerely,

Larry Dansinger
21 Mount Desert Drive
Bangor, ME 04401
(207) 262-3706
larryd@myfairpoint.net