



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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January 29, 2025

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Representative Tavis Hasenfus

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Committee on Criminal Justice & Public Safety

100 State House Station Room 436

Augusta, ME 04330

Secretary
Luke Rioux

RE: LD 179 -- An Act to Amend the Maine Bail Code to Eliminate the Class E Crime of Violation of Condition of Release

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Dear Senator Beebe-Center, Representative Hasenfus, and Members of the Criminal Justice and Public Safety Committee:

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MACDL supports LD 179.

This bill would eliminate the Class E crime of Violation of Condition of Release. Defendants in criminal cases are often put on bail with a set of conditions that would not be a crime but for being on bail. If a person violates one of these conditions of bail, the person may be charged with the Class E crime of Violation of Condition of release.

EXECUTIVE DIRECTOR

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The elimination of this as a criminal charge does not eliminate potential consequences for the Defendant. The State may file a motion to revoke the Defendant's bail, the State may file a motion to amend the Defendant's bail to increase bail conditions, or the State may seek a higher penalty in the Defendant's case. A court may do any of these actions on their own initiative without waiting for the State to act. In other words, there are a myriad of ways a Defendant may be held accountable while still eliminating the Class E charge of Violation of Condition of Release.

According to data provided by the Maine Commission on Public Defense Services (PDS), from 2020-2024 there were 5,439 Class E Violation of Condition of Release cases handled by PDS attorneys at a cost of \$1,728,468.11. PDS attorneys are limited to the number of cases they can handle and each case handled is assigned a point value and a point limit is set. Once the point limit is reached the

attorney can handle no more cases. The Class E Violation of Condition of Release cases from 2020-2024 represented 5,439 points.

As this Committee is well aware, there exists a crisis in Maine's Criminal Justice system. As of January 23, 2025 there were 127 people in custody who had not been assigned attorneys and 1,000+ cases statewide that are lacking attorneys. All of which are constitutionally entitled to representation.

It is worth noting that Maine is one of only 6 States that has a standalone bail violation crime.

The elimination of the crime of Class E Violation of Conditions of Release would free up lawyers to handle other cases and would significantly reduce the number of individuals who are currently unrepresented while not removing the other avenues available to the State and to courts to hold Defendants accountable for violating conditions of bail.

This bill should be voted Ought to Pass.

Thank you for the opportunity to address this Committee on this important issue.

Sincerely,



Jeremy Pratt, Esq.
President, MACDL