

Criminal Justice and Public Safety Committee
Maine State Legislature
Augusta, Maine

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

Dear Members of the Criminal Justice and Public Safety Committee,

I write to you today in strong opposition to LD 179, which seeks to eliminate the Class E crime of violation of condition of release. As an 18 year veteran of Law Enforcement I acknowledge that this legislation is proposed in good faith to address the backlog of court cases, it fails to address the root causes of the issues within Maine's court system and instead removes a critical safeguard that protects victims and upholds public safety.

Under Maine law, individuals who are arrested are entitled to bail in most circumstances. Upon release, they are given a set of conditions they must adhere to in order to remain free. These conditions are not arbitrary; they are designed to ensure the safety of victims, witnesses, and the broader community. For example, if an individual is charged with Domestic Violence Assault, a Class D misdemeanor, they will typically be ordered to have no contact with the victim and to stay away from the victim's home or workplace. A violation of these conditions currently results in immediate arrest, providing a necessary and immediate response to potential threats against victims.

LD 179 would eliminate this enforcement mechanism by removing the ability of law enforcement officers to take swift action when an individual violates their conditions of release. Instead, officers would be left to rely on an administrative process that requires a report to be reviewed by the District Attorney's Office, a Motion to Revoke Bail to be filed, and a hearing to be scheduled at a later date often a month or more in the future. This delay would leave victims vulnerable and exposed to further harm, as law enforcement would be powerless to act until the individual reoffends or until the legal process catches up—often too late. The high number of Class E bail violations charged each year underscores its effectiveness as a measure to protect both victims and the public.

While proponents of the bill may argue that existing mechanisms to revoke bail are sufficient, this is a dangerously misleading assertion. The current process is slow and inefficient, and it does not provide the immediate response necessary to prevent further victimization. The tragic case of Leelin Hinkley is a grim reminder of what happens when the safety of victims is not prioritized. We cannot afford to make the same mistake again.

In my 18 years of law enforcement experience, I have rarely, if ever, seen bail violations go unaddressed when the original criminal charge is heard in court. The claim that a

new criminal case adds significant strain to the system is simply untrue. Additionally, our District Attorney's Offices currently review all Class E bail violations at arraignment. If the District Attorney's Office determines the charges are minor or lack sufficient evidence, they have the discretion to resolve the case right then, offering options such as time served, a small fine, or even dismissing the case entirely. Therefore, there are already safeguards in place that allow the District Attorney's Office to make a well-informed decision about whether pursuing the violation is worthwhile.

By passing LD 179, we would be removing the only immediate tool law enforcement has to protect victims and uphold public safety before a defendant reoffends. Instead of repealing this critical safeguard, the Legislature should focus on addressing the broader issues within the court system—ensuring timely hearings, improving monitoring, and providing resources to those who genuinely need support. One effective way to address this issue is by refocusing the efforts of the newly established Public Defenders Services, which have continued to selectively choose which defendants they represent rather than ensuring fair representation for all individuals who cannot afford legal counsel. This inequitable distribution of legal resources contributes significantly to the backlog in the justice system, not the enforcement of Class E criminal bail violations.

I urge you to reject LD 179 and prioritize policies that protect victims. In order to help facilitate a proper solution to the problems our court systems face I would gladly volunteer my time and expertise to help draft a proper response which addresses the actual needs of the people of Maine and can be reached by the email address and phone number provided.

Thank you all for your time and consideration.

Craig Johnson