

An Act to Amend the Maine Bail Code to Eliminate the Class E Crime of Violation of Condition of Release

Before the Criminal Justice and Public Safety Committee, February 3, 2025

Senator Beebe-Center, Rep. Hasenfus, and Members of the Criminal Justice and Public Safety Committee, my name is Ted Berry. I live in Rockland, Maine.

I hope you will pass this bill so that other Maine people will not have to endure what I endured. This is a fair bill that will not have any impact on people who have committed serious crimes and if you don't pass this bill, innocent people will certainly continue to experience some of what I describe.

During August of 2015, I was arrested in Belfast, Maine for the Class E Crime of Violation of Condition of Release. From Belfast, there was a taxpayer expense of shipping me across the Waldo, Knox, Lincoln County tri-county area to the Wiscasset, Maine Two Bridges Jail where I was a pre-trial detainee for about three days. I was placed in Unit R6 in the 16-hour lockdown, severely dehydrated. The jail authorities admitted I should not have been placed in Unit R6, but the jail was overcrowded and Unit R7 (one-hour lockdown was full).

In Unit R6, I witnessed one inmate run into another inmate's jail cell during the afternoon. I was forced to listen to an inmate being anally gross sexually assaulted (GSA) during the afternoon hours during the eight-hour period when we were not in lockdown. First were the screams for "Help!" Then, the screams of the word, "Rape!" Then, muzzled screaming. The staff pretended to hear nothing. I was called racially explicit slurs, and I was also threatened with anal gross sexual assault myself. Though required by law, this sexual assault was not reported by staff, and I was told any comments of mine would be denied by Two Bridges Jail. MRSA Title 17-A § 760.

After three days of Hell as a pre-trial detainee, I paid \$500 bail. I was released in Wiscasset, far away from where I live and counties away from where I was arrested.

During 2016, my 2015 criminal charge of the Class E Crime of Violation of Condition of Release was dismissed, but the court never returned the \$500 bail to me. Instead, the money was applied to the costs of my court-appointed counsel. Therefore, what happened to me was a financial burden as well as an emotional one.

The Class E Crime of Violation of Condition of Release places a tremendous strain on court-appointed attorneys, exacerbating the shortage of indigent defense counsel.

This bill takes the right approach by:

- Eliminating the practice of revoking bail for relatively innocuous violations of the conditions of release for people who have offended at the very lowest level or who have not offended at all
- Eliminating the class E “crime” of conditions of bail violations
- Reducing the crowding of jails for non-threatening offenses
- Reduces the costs for Maine taxpayers to ship people around multiple counties

I urge the Committee to support LD 179 unanimously ought to pass.

Thank you for your attention. I would be pleased to answer any questions you might have.

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