



Scott Cyrway
Senator, District 16

132nd MAINE SENATE

3 State House Station
Augusta, ME 04333

Testimony of Paul Stewart

“LD 179 An Act to Amend the Maine Bail code to Eliminate the Class E Crime of Violation of Condition of Release.”

Senator Beebe-Center, Representative Hasenfus and Distinguished Members of the Joint Standing Committee on Criminal Justice and Public Safety:

I am Senator Scott Cyrway. I represent the District 16; Albion, Fairfield, Oakland Waterville, and Winslow. The following testimony was sent to me by, Retired Law Enforcement Officer, Paul Stewart. He asked me to read this for him in committee today.

When a person is arrested for domestic assault, he is taken to jail. A bail Commissioner is called. He places conditions of release on him. The bail commissioner explains to him that if he violates any of the conditions he will be arrested. Once the person understands the conditions, he signs a bail bond and is released. Some of the conditions are to have no contact with the victim of the assault does not go back to the residence. Can't call the victim, can't have someone relay a message to the victim. If the respondent does any of the conditions he is arrested. You cannot just give him a summons. This violation is not a civil violation it is a criminal charge. Under the proposed law, there would be no arrest for violating bail in this case, just a summons. Under the proposed legislation, there is less accountability for those arrested for Domestic Assault violating bail conditions.

If a police officer goes to the victim's residence doing a Bail check and finds the respondent there, he is arrested. He is now charged with violating the bail conditions that had been placed on him. He cannot bail again until he goes before a judge. As you can see, the current law has accountability and an immediate consequence for violating bail conditions.

In my 14 years of experience working in the DAs office as a Domestic Violence Investigator, I arrested many violators. I would do a bail check of the victim's residence and find the defendant there. I would take him to jail. In my experience, 95% of the time, someone violated their bail conditions. This is a misdemeanor if the original charge was a misdemeanor. This is not a civil violation. A summons is not a deterrent it makes it easier for him to violate his bail conditions.

The same goes for violation of a Protection order. Again, He cannot violate it. It is not a civil violation, it's a misdemeanor.

If a person is arrested for OUI bail conditions are placed on him such as no driving, no possession or consumption of alcohol. If he is found in violation of his bail conditions he is arrested again, not given a summons.

If a person is stopped for speeding, he is given a summons. This is a civil violation unless it is over 30 mph. This is a misdemeanor. An arrest does not have to be made. If he is arrested, he goes to jail and his vehicle is towed. Common Sense has to be used. To eliminate the class E crime distinction violates common sense. We need accountability in our system, not weak repercussions.

Before working for the DA s office, I was a state trooper for 32 years.

Thank you for hearing my testimony.