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Testimony of Major Scott A. Gosselin
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OPPOSED LD 179

An Act to Amend the Maine Bail code to Eliminate the Class E Crime of Violation of Condition of Release
Sponsored by Representative Sinclair
Joint Standing Committee on Criminal Justice and Public Safety

Senator Beebe-Center, Representative Hasenfus and other distinguished members of the joint standing committee on Criminal Justice and Public Safety. My name is Major Scott Gosselin and I am here representing the Maine State Police and the Maine Department of Public Safety and to testify in OPPOSITION to LD 179.

This bill eliminates one of the key tools of a law enforcement officer to protect public safety and to keep and preserve order. The elimination of the Class E crime of Violation of Conditions of Release would make it more difficult for an officer on the street to preserve the peace.

When a person commits a misdemeanor crime, such as assault, an officer has a choice to either give the suspect a court date for the crime or to take the suspect to jail. Now there are certain conditions that must exist in order to take someone to jail for a misdemeanor but given that those conditions exist, an officer will weigh whether or not bringing someone to jail is the most fitting and appropriate course of action.

Bringing someone to jail is not punishment, it is meant to protect the public from further harm, to ensure a court appearance and to prevent new crimes. As it relates to ensuring their appearance in court, we allow the opportunity for bail in exchange for the suspect to provide some other collateral (mostly monetary) or assurance that they will attend their court date.

As far as protecting the public from further harm related to the original crime, in this case an assault, certain conditions are put into place which further protect the public from future harm while the person is at large and awaiting their court date. Some of those conditions could be, to name just a few:

- To obey all laws
- To not possess weapons
- To stay away from certain places or certain people (in our case, possibly the person who was assaulted)
- To not use drugs or alcohol (this restriction can only be imposed upon a presentation to the judicial officer of specific facts demonstrating the need for such condition)