



# CAPITAL REGION PUBLIC DEFENDERS

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Dear Chairs Beebe-Center and Hasenfus and members of the Joint Standing Committee on Criminal Justice and Public Safety:

I am writing in support of An Act to Amend the Maine Bail Code to Eliminate the Class E Crime of Violation of Condition of Release, HP 112, LD 179. This bill would increase the ability of the criminal justice system to function by reducing a duplicitous filing while also protecting the public by preserving the ability to enforce bail conditions.

Currently, when bail conditions placed on an individual prior to them being convicted of a crime are violated with otherwise legal conduct, they are often arrested and prosecuted for this offense, in addition to having a bail revocation filed in their existing matter. This double filing needlessly increases the demand on a court system, which is already struggling to manage the significant increase in cases that are currently pending. Very few states have chosen to create a criminal offense to enforce bail because there is an enforcement mechanism already in place.<sup>1</sup> The bail code permits individuals who are violating their conditions of release to be arrested with or without a warrant, preserving the ability of law enforcement to enforce these conditions. When individuals fail to appear, there is already a crime in statute to address that situation and if an individual is committing further illegal conduct, they are subject to prosecution based on that conduct.

This offense is the most filed criminal charge in our system. Over 5400 cases of violation of condition of release were filed in 2024. The next most common charge was possession of scheduled drug and 662 cases of that offense were charged. Our system is flooded with these cases, which most often comes with a risk of jail and requires tremendous resources for the court to process and the need to provide defense counsel to people accused of this offense. Requiring the state to use the process in place, motions to revoke bail, reduces additional cases, and keeps the original case moving without slowing the process down and driving up the demand on scarce resources. In the past five years, PDS has spent over 1.7 million dollars on defense counsel in the 28,000 cases of violation of condition of release that have been brought in that timeframe.<sup>2</sup>

We are in a crisis when it comes to defense counsel and there are places where all the actors in the criminal justice system can act to make sure that it is functioning as it must. Reducing an extra filing that has significant consequences is one place where this body can act to increase efficiency and preserve resources without compromising public safety or creating an impediment for the individuals to be held accountable for their actions.

Thank You,  
Frayla Tarpinian

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<sup>1</sup> Only Alaska, Colorado, Connecticut, Delaware, Illinois, Maine, and Wisconsin have a separate crime for violation of bail other than non-appearance.

<sup>2</sup> These are cases without additional charges.