



Maine Sheriffs' Association

"One Team, One Mission"

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April 23, 2025

TESTIMONY OF SHERIFF TROY MORTON MAINE SHERIFFS ASSOCIATION

LD 1536 – An Act to Amend the Laws Governing Bail

Senator Beebe-Center, Representative Hasenfus, and honorable members of the Joint Standing Committee of Criminal Justice and Public Safety. My name is Sheriff Troy Morton. I am the Sheriff of Penobscot County, and I have the privilege of serving as Vice-President of the Maine Sheriffs Association, and I am here today on their behalf.

Your Maine Sheriffs have taken the unanimous position of **SUPPORT** for LD 1536 – An Act to Amend the Laws Governing Bail.

Maine's bail code plays a crucial role in the criminal justice system by ensuring that individuals appear in court for trials and other hearings. Bail serves multiple purposes, such as reducing the risk of flight from the jurisdiction and providing protection for victims, witnesses, and the broader community.

A fair and effective bail system must strike a balance between individual freedom and public safety during the pretrial process. Recent legislative changes to the bail code have aimed to address issues such as a backlog of court cases, jail overcrowding, and the prolonged incarceration of individuals awaiting trial. These modifications seek to enhance the efficiency and fairness of the pretrial system in Maine. Our concern is that these recent changes have gone too far and are putting the public at risk and subjecting individuals to conditions they are unable to maintain.

In 2024, the Maine State Court system tracked the following information related to bail:

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| • New Charges Filed – Violating Conditions of Release, Class E | 8,733 |
| • New Charges Filed - Violating Conditions of Release, Class C | 573 |
| • Motions to Revoke Bail Failed: | 4,024 |
| • Motions to Revoke Bail Granted: | 854 |

Recent expansions in pretrial programming and the increased use of summons and complaints, alongside the judicial branch's efforts to manage bail commissioners, have rendered the original justifications for changes to the bail code less relevant. These advancements suggest a shift in how pretrial matters are addressed, highlighting the effectiveness of these measures in the judicial process.

Greater risks are being taken under today's bail process. We should not jeopardize public safety or set individuals up for failure simply because of jail populations, lack of defense counsel, or time delays in court proceedings.

Pretrial services utilize a validated instrument to evaluate the likelihood of an individual failing to appear in court or being re-arrested while awaiting trial. These tools analyze various factors to predict potential risks and inform pretrial release decisions. They are designed to provide evidence that supports pretrial decision-making, not to make the decision itself.

Law enforcement agencies throughout the state have been actively engaged in promoting the appropriate use of non-custodial arrests for low-risk individuals. There are ongoing initiatives aimed at improving legal defense counsel representation, and significant measures have been implemented to address the backlog of both criminal and civil cases.

Reverting the bail code to its earlier version will facilitate the effective implementation of these significant measures. This adjustment is aimed at achieving a proper balance between ensuring public safety and safeguarding the rights of individuals awaiting trial.

Having firsthand knowledge of the issues occurring under the current bail code, we urge you to vote OUGHT TO PASS on LD 1536.

I am happy to answer any questions you may have now or during the work session.