

Maine PRISONER ADVOCACY Coalition



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Testimony Neither For nor Against LD 1817 to the Committee on Criminal Justice and Public Safety

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Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Committee:

My name is Peter Lehman and I live in Thomaston. I am a formerly incarcerated citizen and a person in long-term recovery.* I am testifying on behalf of the Maine Prisoner Advocacy Coalition whose goal is to promote restorative practices to increase public safety and the health of our community.

Currently, it's a crime to violate any condition of bail. Period. No matter what the condition is. This bill seeks to repeal that crime.

Violation already has consequences—bail may be revoked.

Remember, the person out on bail generally has not been convicted of a crime. Violation of Condition of Release may be the only crime they have committed.

This crime has contributed to overloaded Courts and overloaded defense counsel. VCR is a new crime and takes valuable court time. It also inflates the defendant's domestic abuse score.¹

HOWEVER, VCR also protects victims by adding teeth to enforcement and ensuring that the police have sufficient grounds to actually pick up the alleged offender.

A bill earlier this session, **LD 179**, sought to only eliminate the Class E crime of Violation of Condition of Release but **not the Class C** crime of violating the specific conditions of contact with victims, witnesses, etc. or possession of dangerous weapons (15 MRSA §1092, sub-§2, paragraph B).

¹ ODARA (Ontario Domestic Assault Risk Assessment) score

* In the interest of honesty and disclosure, a personal background statement is available on request.

However, that Class C crime can only be invoked when the “underlying crime” is Class C higher, thus excluding many domestic violence charges.

We recommend that this be remedied by amending paragraph B in the statute creating Class C VCR, so that it **also** pertains when the alleged victim of the underlying crime is a dating or domestic partner, family member or household member, thus allowing arrest on a Class C VCR.

Your analyst is more able to draft the details than I am.

We urge you to unanimously vote Ought to Pass on an amended version of either this bill, **LD 1817** or **LD 179** and thus “Eliminate the Class E Crime of Violation of Condition of Release.”

Thank you for your attention.

I am glad to try to answer your questions.