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TESTIMONY OF ALICIA REA, ESQ.  
LD 1817 – Ought to Pass

**An Act to Implement the Recommendation of the Maine  
Commission on Public Defense Services to Eliminate the Crime of  
Violation of Condition of Release**

Joint Standing Committee on  
Criminal Justice & Public Safety

May 5, 2025

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Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Joint Standing Committee on Criminal Justice & Public Safety, greetings. My name is Alicia Rea, and I am a policy fellow at the ACLU of Maine, a statewide organization committed to advancing and preserving civil rights and civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge you to support LD 1817.

The ACLU of Maine has worked for years to reform our state's pretrial system. Even one day behind bars can lead to the loss of a job, child custody, or a bed in a recovery house.

If enacted, LD 1817 would remove the provision of Maine law that makes violations of conditions of release a crime. Under current law, violating certain bail conditions is itself a new crime. This rule is out of step with most of the country. Maine is one of a handful of states where a violation of a condition of pretrial release (VCR) other than a failure to appear in court is itself a new crime.<sup>1</sup> In other states, if a person violates a bail condition and the district attorney feels the violation was egregious, the DA can file a motion to revoke bail and address the violation, without adding an additional criminal charge to a person's record. In Maine, not only is a violation of conditions of release a new crime, but some violations are felony crimes.

Not only is Maine out of step with the rest of the country, but we are also out of step with recommendations from our own official bail study.<sup>2</sup> In 2015, the Legislature established Maine Pretrial Justice Reform Task Force ("Task Force"). The Task Force included more than two-dozen representatives from the judiciary, law enforcement agencies, victim advocate groups, Wabanaki nations, civil rights and civil liberties organizations, criminal defense lawyers, bail commissioners, and still others. The Task Force Report, published in 2019, revealed that up to 40% of VCRs are the only

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<sup>1</sup> National Conference of State Legislatures, *Pretrial Release Violations & Bail Forfeiture Report*, June 28, 2018, <https://www.ncsl.org/civil-and-criminal-justice/pretrial-release-violations-bail-forfeiture>.

<sup>2</sup> The Report includes a recommendation to "eliminate warrantless VCR arrests with exceptions..." that was not adopted by the Legislature in subsequent legislation.



charged crime for an arrested individual.<sup>3</sup> That means that 60% of VCRs are accompanied by another charge and those bailees would still be able to be arrested and detained for their new criminal activity.<sup>4</sup> It is crucial to remember that even if the crime of VCR ceased to exist, district attorneys would still have the power to charge new crimes. All this bill does is reduce instances where a VCR charge is tacked on to prior charges.

Moreover, our courts are overwhelmed. There's an enormous backlog of cases, and a lack of lawyers to defend people accused of crimes. This bill proposes one way to reduce the demand on our justice system. The Maine Judiciary's data show that the vast majority of VCRs that are charged are charged as Class E crimes.<sup>5</sup> In 2018, 2019, and in 2020, over 90% of VCRs were charged as Class E.<sup>6</sup> By eliminating just the Class E crime of VCR, this committee and this legislature can assist the criminal legal system in removing some of the approximately 8,000 additional charges being processed through the system each year.<sup>7</sup> It is undeniable that enacting this bill and expanding the relief to Class C VCRs would help conserve judicial resources.

We urge you to bring Maine closer in line with the rest of the country by voting that LD 1817 ought to pass.

Thank you for your time and attention.

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<sup>3</sup> *The Report of the Intergovernmental Pretrial Justice Reform Task Force*, Dec. 20, 2019, 19 n.33, <https://www.courts.maine.gov/about/reports/report-pretrial-justice-reform-task-force-dec2019.pdf>.

<sup>4</sup> Members of the Task Force voted 5-3-3 to eliminate warrantless arrests for VCR offenses with exceptions for certain offenses that involve crimes against a family or household members, sexual assaults, or OUI. *Id.* at 22.

<sup>5</sup> See attached MEJIS data.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*