

Committee: CJPS
Drafter: DCT
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LD 1552
Proposed amendment – Representative Talbot Ross

Amend the bill by striking the title and inserting the following in its place:

“An Act Concerning Violations of Conditions of Release under the Maine Bail Code”

Amend the bill by striking everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 15 MRSA §1092, sub-§1 is amended to read:

1. Violation of condition of release. A defendant who has been granted preconviction or postconviction bail and who, in fact, violates a condition of release is guilty of:

A. A Class E crime if the condition of release violated is one specified in section 1026, subsection 3, paragraph A, subparagraph (5), (8), (10-A) or (13); or

B. A Class C crime if the underlying crime was punishable by a maximum period of imprisonment of one year or more and the condition of release violated is one specified in section 1026, subsection 3, paragraph A, subparagraph (5), (8), (10-A) or (13).

SUMMARY

This amendment changes the title of and replaces the bill. Under the current Maine Bail Code, a defendant who has been granted preconviction or postconviction bail and who violates any condition of release is guilty of the Class E crime of violation of a condition of release. This amendment provides that such a defendant is guilty of the Class E crime of violation of a condition of release only if the condition of release violated required the defendant to:

1. Avoid all contact with a victim of the alleged crime, a potential witness regarding the alleged crime or with any other family or household members of the victim or the defendant or to contact those individuals only at certain times or under certain conditions;

2. Refrain from possessing a firearm or other dangerous weapon;

3. Enter and remain in a long-term residential facility for the treatment of substance use disorder; or

4. Return to custody for specified hours following release for employment, schooling or other limited purposes.