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*Testimony of Assistant House Majority Leader Rachel Talbot Ross presenting*  
**LD 1552, An Act To Provide Reentry Services to Persons Reentering  
the Community after Incarceration**

*Before the Joint Standing Committee on Criminal Justice and Public Safety*

Senator Deschambault, Representative Warren and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Rachel Talbot Ross. I represent House District 40, which includes the Portland neighborhoods of Parkside, Bayside, East Bayside, Oakdale and the University of Southern Maine campus. Thank you for this opportunity to present **LD 1552, An Act To Provide Reentry Services to Persons Reentering the Community after Incarceration.**

At the time this bill was submitted, it felt necessary to not only address the acute needs of those reintegrating into society through legislation but to codify the tools and pathways that would lower the state's recidivism rate. Because I believe in the power of rehabilitation and restorative justice, I have submitted a "reentry" bill every one of the three sessions in which I have served.

However, today feels like a different time in which significant work is taking place on reentry – both inside our correctional institutions and in collaborative, intersectional ways in communities across the state – that brings the Maine Department of Corrections in direct relationship with groups that include but are not limited to Maine Prisoner Reentry Network, Maine Prisoner Advocacy Coalition and Maine Recovery Advocacy Project. Their efforts are making a difference in people's lives.

I believe we need to respect this ongoing work, particularly the elements that are being led by former justice-involved individuals, and give them time before moving legislation forward.

But there remains the need to confront our overreliance of incarceration. It is my hope we can take this opportunity to utilize this bill to expand on the work many of you have been leading to reduce the use and pathways to incarceration.

To that end, we are working on an amendment to limit which violations of conditions of release can serve as the basis for the Class E crime of violation of a condition of release under 15 MRSA §1092. To be clear, this would not change or repeal any of the permitted conditions of release currently under the Bail Code that can be set by the court as part of a person's bail parameters.

[According to Pew Research Foundation](#), incarcerating people for technical violations has contributed to high state incarceration rates while doing little to enhance public safety, especially as a response to behavior that is not in fact a crime. This is certainly true in Maine, where Council of State Governments found that 3,222 case filings in FY2019 were for violation of conditions of release (see attached). Pew and CSG both identified this as an important area for policy reform.

The proposed amendment, which I am attaching to this testimony, would rename the bill **An Act Regarding Violations of Certain Conditions of Release under the Maine Bail Code**.

Under the current Maine Bail Code, a defendant 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 an individual is guilty of violation of a condition of release only if the condition of release violated required the defendant to:

- Avoid all contact with or only contact at specific times a victim of the alleged crime, potential witness or a family or household member of the victim;
- Refrain from possessing a firearm or other weapon;
- Enter and remain in a long-term residential facility for the treatment of substance use disorder; or,
- Return to custody for specified hours following release for work, school or other limited purposes.

The data is clear: Reforming the Maine Bail Code to limit the use of violation of conditions of release will help address our overreliance on incarceration – a practice that harms individuals and communities while overburdening our system and costing taxpayer dollars – while continuing to protect public safety.

Thank you for your consideration. I am happy to answer any questions you may have and look forward to working with the committee to move this proposal forward.

Committee: CJPS  
Drafter: DCT  
File name:  
LR (item)#: 0025(02)  
New Title?: YES  
Add Emergency?: NO  
Date: 2/17/22

**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).

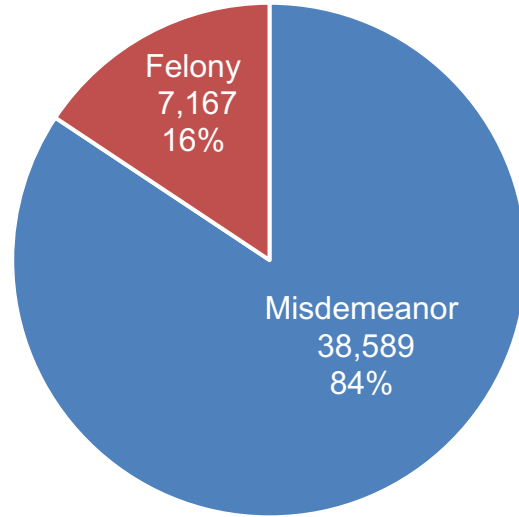
**SUMMARY**

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.

# The overwhelming majority of case filings are for misdemeanor offenses.

Case Filings by Offense Class, 2018



In FY2018, **84 percent** of criminal case filings were for misdemeanors. By rough comparison, only **77 percent** of arrests in FY2018\* were for misdemeanors.

*\*28,145 of the total 36,617 arrests in Fiscal Year 2018 (July 1, 2017-June 30, 2018) were for misdemeanor offenses.*

Top 5 Case Filings (All Offense Levels)	FY2016	FY2017	FY2018	FY2019
Operating Under the Influence (OUI) (Alcohol)	3,615	3,505	3,332	3,424
Operating While License Suspended or Revoked (OWLS/R)	3,132	3,226	3,292	3,017
Violation of Conditions of Release (VCR)	3,440	2,970	2,985	3,222
Theft by Unauthorized Taking/Transfer	3,381	3,161	3,099	2,840
Domestic Violence Assault	2,183	2,100	2,066	2,085