



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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January 17, 2024

Senator Anne Beebe-Center, Chair
Representative Suzanne Salisbury, Chair
Committee on Criminal Justice and Public Safety
5 State House Station, Room 436
Augusta, ME 04333

RE: LD 2051 “An Act Regarding the Duties of Bail Commissioners.”

Dear Senator Beebe-Center, Representative Salisbury, and Members of the
Committee on Criminal Justice and Public Safety:

MACDL supports LD 2051.

Personal recognizance and unsecured bail are the types of bail that are purposefully set to avoid the requirement for an accused person to pay money for his or her release. These bail amounts are set in low-level cases where the accused does not pose a threat to his or her community and is a low risk for nonappearance.

The release of such people should happen as expeditiously as possible. Unnecessary pretrial detention of any length has harmful effects on the accused and is a burden on over-crowded, under-staffed jails. The current bail system requires payment of a \$60 bail commissioner fee even for unsecured or personal recognizance bail unless bail is set by a court. The court only sets bail on so-called “in-custody dates,” which happen three day per week at most, meaning people eligible for bail may literally sit in jail multiple days because they cannot come up with \$60.

LD 2051 seeks to correct this unjust and inefficient process by allowing county jail personnel to complete bail paperwork in these low-level cases after speaking with a bail commissioner.

For these reasons, MACDL supports LD 2051.

Sincerely,

/s/ Matthew D. Morgan

Matthew D. Morgan, Esq.
MACDL President-Elect