

## 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

**Legislative Document** 

No. 1428

H.P. 982

House of Representatives, April 13, 2017

An Act To Relieve Overcrowding in County Jails

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative GUERIN of Glenburn. Cosponsored by Senator ROSEN of Hancock and

Representatives: COREY of Windham, GERRISH of Lebanon, HERRICK of Paris, LONGSTAFF of Waterville, MAREAN of Hollis, NADEAU of Winslow, WARREN of

Hallowell, Senator: DIAMOND of Cumberland.

1 2	<b>Emergency preamble. Whereas,</b> acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
3 4	Whereas, the housing of persons incarcerated in the State's custodial facilities is an important state responsibility; and
5 6	Whereas, a significant portion of the budgets of the counties is dedicated to the operation of the county and regional jails; and
7 8 9	Whereas, there is currently a crisis among the counties in the State in the ability to adequately fund the county and regional jails, creating overcrowding and other unsafe conditions; and
10 11 12 13	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,
14	Be it enacted by the People of the State of Maine as follows:
15	Sec. 1. 17-A MRSA §1205-C, sub-§7 is enacted to read:
16 17 18 19	7. If the court orders the probationer held without bail pending hearing under subsection 4, the probationer must be transferred to the custody of the Department of Corrections and within 7 days transported to a department facility under Title 34-A chapter 3.
20 21	<b>Emergency clause.</b> In view of the emergency cited in the preamble, this legislation takes effect when approved.
22	SUMMARY
23 24 25	This bill requires that a probationer held without bail pending hearing after an initial appearance for a probation violation must be transferred to the custody of the Department of Corrections and within 7 days transported to a department facility.