

**§1091. Failure to appear; penalty**

**1. Failure to appear.** A defendant who has been admitted to either preconviction or postconviction bail and who, in fact, fails to appear as required is guilty of:

A. A Class E crime if the underlying crime was punishable by a maximum period of imprisonment of less than one year; or [PL 2003, c. 452, Pt. H, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A Class C crime if the underlying crime was punishable by a maximum period of imprisonment of one year or more. [PL 2003, c. 452, Pt. H, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]  
[PL 2003, c. 452, Pt. H, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

**2. Affirmative defense.** It is an affirmative defense to prosecution under subsection 1 that the failure to appear resulted from just cause.

[PL 2003, c. 452, Pt. H, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

**3. Strict liability.** Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[PL 2003, c. 452, Pt. H, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

**SECTION HISTORY**

PL 1987, c. 758, §20 (NEW). PL 1995, c. 356, §16 (AMD). PL 2003, c. 452, §H2 (RPR). PL 2003, c. 452, §X2 (AFF).

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