

§1814. Additional conditions in lieu of probation revocation proceedings

Whenever a probation officer has probable cause to believe that a person under the supervision of that probation officer has violated a condition of probation but the violation does not constitute a crime, the probation officer, instead of commencing a probation revocation proceeding under section 1809 or section 1810, may offer to the person the option of adding one or more of the following conditions to the person's probation: [PL 2021, c. 403, §5 (AMD).]

1. Participation in public restitution program or treatment program. The person will participate in a public restitution program or treatment program in the community; and [PL 2021, c. 403, §5 (AMD).]

2. Residence at correctional facility or county jail. [PL 2021, c. 403, §5 (RP).]

3. Graduated sanction. The person will comply with a graduated sanction, which may not consist of incarceration. [PL 2021, c. 403, §5 (NEW).]

Notwithstanding other provisions in this subchapter, a probation officer may arrest a person for a violation of a condition imposed pursuant to section 1807, subsection 2, paragraph I and may commence probation revocation proceedings if that officer has probable cause to believe that the person has committed a violation of the condition and determines there is a significant risk to the safety of others or the person that cannot be managed through a noncustodial response. [PL 2021, c. 403, §5 (NEW).]

If the person agrees in writing to the additional conditions under subsection 1 or 3, the conditions must be implemented. If the person does not agree or if the person fails to fulfill the additional conditions to the satisfaction of the probation officer, the probation officer may commence probation revocation proceedings under section 1809 or 1810 for the violation that the probation officer had probable cause to believe occurred. If the person fulfills the additional conditions to the satisfaction of the probation officer, the probation officer shall so notify the person in writing and the probation officer may not commence probation revocation proceedings for the violation that the probation officer had probable cause to believe occurred. [PL 2021, c. 403, §5 (AMD).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW). PL 2021, c. 403, §5 (AMD).

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