

## CHAPTER 13

### COUNTY JAILS AND JAILERS

#### SUBCHAPTER 1

#### OFFICIALS AND PERSONNEL

##### **§1501. Custody of jail and prisoners; jailer**

The sheriff has the custody and charge of the county jail and of all prisoners in that jail and shall keep it in person, or by a deputy as jailer, master or keeper. The appointment, discipline, suspension or dismissal of the jailer, master or keeper is subject to section 501. [PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD); PL 1989, c. 853 (AMD).]

**1. Subordinate assistants and employees.** The jailer, master or keeper shall appoint, subject to the requirements of section 501, all subordinate assistants and employees. Subordinate assistants and employees shall be appointed for the same period that is provided for deputy sheriffs under section 381. The professional qualifications required of them must emphasize training or experience in or knowledge of corrections. The jailer, master or keeper and all subordinate assistants and employees are subject to the training requirements of Title 25, section 2804-D. [RR 2009, c. 1, §20 (COR).]

**2. Compensation.** The pay of the jailer, master or keeper and all subordinate assistants and employees shall be set by the county commissioners and paid by their respective counties, except when otherwise provided by law. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**3. Jailer and subordinates may be deputies.** The jailer and the jailer's subordinate assistants and employees may be deputy sheriffs. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1989, c. 853 (AMD). RR 2009, c. 1, §20 (COR).

##### **§1502. Jailer's duties when office of sheriff vacant**

When a vacancy occurs in the office of sheriff, the jailer lawfully acting continues in office and shall retain charge of the jail and of all prisoners in or committed to the jail. The jailer's official neglects and misdoings are a breach of the principal's official bond until a new sheriff is qualified, or the Governor removes that jailer and appoints another, which the Governor may do. The jailer so appointed shall give bond in the manner required of a sheriff for the faithful discharge of duties. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

##### **§1503. Offices of jailer and sheriff vacant; appointment by county commissioners**

If the office of jailer becomes vacant while the office of sheriff is vacant, the county commissioners may appoint a jailer, who shall give bond as a sheriff is required to do and continue in office, if the appointment is confirmed at the commissioners' next meeting, during the vacancy in the office of sheriff or until a new jailer is appointed. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

#### **§1504. Sheriff to return list of prisoners at each criminal session of court**

Every sheriff shall return a list of prisoners in custody to the Superior Court for a county on the first business day of every month, and afterwards a list of all committed during the session, certifying the cause for which and the person by whom committed, and shall have the calendar of prisoners in court for its inspection. The sheriff shall also provide lists of prisoners in custody to the Superior Court or to a District Court upon receipt of a request for an additional or updated list. The sheriff shall also provide for the transportation of prisoners to and from the District Court or Superior Court and ensure the safe custody of prisoners while they may be present during any court proceeding as directed by the court. [PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD); PL 1989, c. 146 (AMD); PL 1989, c. 722, §6 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1989, c. 146 (AMD). PL 1989, c. 722, §6 (AMD).

#### **§1505. Record of persons committed**

Every sheriff shall keep a true and exact calendar containing the names of all prisoners committed to the jail under the sheriff's charge, their residences, additions, time of their commitments, for what cause and by what authority, and a particular description of the persons of those committed for offenses. The sheriff shall register the name and description, the time when and the authority by which any prisoner was discharged, and the time and manner of any prisoner's escape. The information required by this section must be kept in a suitable, permanent record at the office of the sheriff. [PL 2001, c. 33, §1 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 2001, c. 33, §1 (AMD).

#### **§1506. Official papers filed and kept with calendar and delivered to successor**

All warrants, mittimus, processes and other official papers by which any prisoner is committed or released, or attested copies of those papers, shall be regularly filed in order of time and safely kept with the calendar. When vacating the sheriff's office, the sheriff or the sheriff's personal representative shall deliver those papers to the new sheriff on penalty of forfeiting \$200 to the county. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

#### **§1507. Sheriff responsible for delivery of prisoners to successors**

All sheriffs are responsible for the delivery to their successor of all prisoners in custody at the time of their removal. For that purpose they shall retain the keeping of the jail in their counties and the prisoners in the jail until their successors enter office. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

#### **§1508. Liability of sheriff or jail keeper for escape**

**(REPEALED)**

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1997, c. 623, §4 (RP).

#### **§1509. Escape through insufficiency of jail**

**1. Payment by county; sheriff's action.** When an escape happens through the insufficiency of the jail, the county commissioners may order the county treasurer to pay to the sheriff the amount of the fine paid under section 1508. If they do not make an order within 6 months after the demand is presented to them, the sheriff may bring action against the inhabitants of that county, to be tried in that county or in an adjoining county. Service shall be made as in other actions.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**2. Appointment of agent to defend county; execution.** The commissioners may appoint an agent to appear and defend an action brought under subsection 1. If they have no meeting between the time of service and the time within which the answer is required to be served, the action shall be continued for such time as the court directs, saving all advantages to the defendants.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

#### **§1510. Definitions**

For the purposes of this chapter, "prisoner" or "inmate" means an adult sentenced and committed to, transferred to or detained in the custody of a jail, including an adult in a community confinement monitoring program pursuant to section 1659-A. [PL 2015, c. 315, §1 (NEW).]

#### SECTION HISTORY

PL 2015, c. 315, §1 (NEW).

## SUBCHAPTER 2

### PRISONERS AND THEIR CONDUCT

#### **§1551. Positions of trust for certain prisoners**

A sheriff may grant positions of trust only to a prisoner confined in a jail who was sentenced to serve a term in that particular jail or who was transferred to that particular jail from another correctional

facility where the prisoner was serving a sentence. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

#### **§1552. Treatment of prisoners for debt and minors**

All jail keepers shall keep prisoners committed for debt separate from prisoners charged with felony or infamous crimes. They shall keep all minors so committed and all prisoners upon a first charge, before or after conviction, separate from those convicted more than once of felony or infamous crimes, so far as the construction or state of the jail allows. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

#### **§1553. Violations or furnishing liquor to prisoners**

If any jail keeper violates section 1552 or voluntarily or negligently allows any prisoner in custody, charged with or convicted of any offense, to have any intoxicating liquor, unless the physician authorized to attend the sick in that jail certifies in writing that the prisoner's health requires it and prescribes the quantity, the jail keeper forfeits \$25 for the first offense and \$50 for the 2nd offense. These forfeitures shall be recovered for the county by indictment, or by persons suing therefor, to their own use. The jail keeper shall be removed from office and may not hold the office of sheriff, deputy sheriff or jailer for 5 years. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

#### **§1554. Federal prisoners**

The keepers of the county jails shall receive and safely keep all prisoners committed under authority of the United States until discharged, under the penalties provided for the safekeeping of prisoners under the laws of this State. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

#### **§1555. Prisoners may attend funerals**

Prisoners at the county jails may, at the discretion of the sheriff, attend funerals of their legally considered mother, father, husband, wife or child if the funeral is held within the State. Prisoners must pay the cost of transportation and the fee and expenses of the officer who takes them to the funeral. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

### §1556. Furloughs

**1. Furlough authorized.** The sheriff may establish rules for and permit a prisoner under the final sentence of a court a furlough from the county jail in which the prisoner is confined. Furlough may be granted for not more than 7 days at one time in order to permit the prisoner to visit a dying relative, to obtain medical services, to participate in a program operated by a jail that conditions release on regular daily reporting to the jail of the prisoner's location and activities or for any other reason consistent with the rehabilitation of an inmate or prisoner that is consistent with the laws or rules of the sheriff's department. Furlough may be granted for a period longer than 7 days if required to provide treatment for a physical or mental condition of the prisoner, including a substance use disorder, as determined by a qualified licensed professional.

[PL 2021, c. 211, §1 (AMD).]

**2. Copy of rules provided to prisoner.** Any prisoner permitted furlough from the county jail under this section shall be furnished a copy of the rules of the county jail applicable to the furlough. The prisoner must attest to receiving the copy.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**3. Violation of terms of release.** All prisoners who willfully violate the terms of their release under this section in relation to the time for reporting to their places of furlough, the activities they may conduct while on furlough or time of reporting back to the county jail, may be punished by imprisonment for not more than 60 days, except that prisoners who do not return to the county jail within 24 hours from the time they are scheduled to return may be prosecuted for escape under Title 17-A, section 755. They shall be prosecuted in the county in which the jail to which they were sentenced is located.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**4. Violation; obstruction or assistance to furloughed prisoner.** Notwithstanding Title 17-A, section 4-A, any person 18 years of age or over who willfully obstructs, intimidates or abets any prisoner on furlough under this section, and thereby contributes to or causes the prisoner's violation of the terms and conditions of the furlough, after having been warned by the sheriff to cease and desist in that relationship or association with the prisoner, is guilty of a Class D crime and shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or both.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 2001, c. 659, §F1 (AMD). PL 2017, c. 407, Pt. A, §118 (AMD). PL 2021, c. 211, §1 (AMD).

### §1556-A. Visitation

Except as otherwise provided in this section, and subject to any conditions and limitations required for the safety and security of a county jail as determined on a case-by-case basis by the sheriff of the county jail, the sheriff shall provide for in-person visitation between a prisoner and a visitor of the prisoner. [PL 2019, c. 76, §1 (NEW).]

**1. Video-only visitation.** Upon a determination by the sheriff of a county jail that in-person visitation between a particular prisoner and a visitor of the prisoner may jeopardize the safety and security of the jail, the sheriff may restrict that prisoner to video-only visitation. Upon a determination

by the sheriff that the jail facility is unable to provide a safe and secure location for any in-person visitation, the sheriff, on a short-term basis only, may restrict all visitation at the jail to video-only visitation.

[PL 2019, c. 76, §1 (NEW).]

**2. Contact visitation.** Subject to any conditions and limitations required for the safety and security of a county jail as determined on a case-by-case basis by the sheriff, the sheriff shall provide opportunities for in-person visitation involving physical contact between a prisoner and a visitor of the prisoner, unless the sheriff determines that the jail facility is unable to provide a safe and secure location for any in-person visitation involving physical contact.

[PL 2019, c. 76, §1 (NEW).]

#### SECTION HISTORY

PL 2019, c. 76, §1 (NEW).

#### §1557. Transfer from jails

**(REPEALED)**

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1989, c. 887, §§2,3 (AMD). PL 1995, c. 368, §R6 (RPR). PL 1995, c. 647, §4 (RP).

#### §1557-A. Transfer from jails

**(REPEALED)**

#### SECTION HISTORY

PL 1995, c. 647, §5 (NEW). PL 2007, c. 653, Pt. A, §14 (RP).

#### §1557-B. Transfer from a sending jail to a receiving jail

**1. Transfer.** A sheriff may transfer a prisoner from a jail to another jail upon the request of the sheriff of the sending jail and the approval of the sheriff of the receiving jail. A sheriff may transfer a prisoner to a correctional facility upon the request of the sheriff of the sending jail and the approval of the Commissioner of Corrections.

[PL 2015, c. 335, §16 (NEW).]

**2. Transfer cost.** The county of the sending jail shall pay the cost of the transfer or return of the prisoner under subsection 1.

[PL 2015, c. 335, §16 (NEW).]

**3. Reimbursement.** Reimbursement for the support of a prisoner who is transferred by a sending jail to a receiving jail or the Department of Corrections is subject to the provisions of this subsection.

A. During a state fiscal year in which at least \$12,202,104 has been appropriated to the County Jail Operations Fund and disbursements have been made equal to that amount to the counties as required by Title 34-A, section 1210-D, the receiving jail or the department may not charge the sending jail a per diem rate for the transferred prisoner. [PL 2015, c. 335, §16 (NEW).]

B. During a state fiscal year in which less than \$12,202,104 has been appropriated to the County Jail Operations Fund or disbursements have not been made equal to that amount to the counties as required by Title 34-A, section 1210-D, the following provisions apply:

- (1) The receiving jail may charge the sending jail a per diem rate for the transferred prisoner;

(2) The rate charged by the receiving jail must equal the per diem per prisoner amount calculated by the department in making the disbursement to the counties under Title 34-A, section 1210-D, subsection 4; and

(3) The department may charge the sending jail an amount that has been negotiated between the department and the jail that does not exceed \$108 per diem per prisoner. [PL 2015, c. 335, §16 (NEW).]

C. The sending jail shall reimburse the receiving jail or the department for any costs incurred in the provision of extraordinary medical or surgical treatment for conditions of the prisoner that existed prior to transfer. [PL 2015, c. 335, §16 (NEW).]

D. Payment amounts provided for in this subsection may be adjusted or dispensed with upon terms mutually agreeable to the sheriff of the sending jail and the sheriff of the receiving jail or the department. [PL 2015, c. 335, §16 (NEW).]

[PL 2015, c. 335, §16 (NEW).]

**4. Transferee subject to rules.** A prisoner transferred under this section is subject to the general rules of the facility to which the prisoner is transferred, except that for a prisoner who has been sentenced:

A. The term of the original sentence remains the same unless altered by the court; [PL 2015, c. 335, §16 (NEW).]

B. The prisoner becomes eligible for deductions as provided in Title 17-A, section 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311 for a prisoner sentenced to imprisonment in a county jail; [PL 2019, c. 113, Pt. C, §76 (AMD).]

C. The prisoner becomes eligible for release and discharge as provided in Title 17-A, section 2314, subsection 1 for a prisoner sentenced to imprisonment in a county jail; [PL 2019, c. 113, Pt. C, §77 (AMD).]

D. The prisoner is entitled to have the time served in the facility under this section deducted from the sentence; and [PL 2015, c. 335, §16 (NEW).]

E. The prisoner becomes eligible for furloughs, work or other release programs, participation in public works and charitable projects and home-release monitoring as authorized by sections 1556, 1605, 1606 and 1659-A and may apply pursuant to the rules governing the sending jail. [PL 2015, c. 335, §16 (NEW).]

[PL 2019, c. 113, Pt. C, §§76, 77 (AMD).]

**5. Return of prisoner.** A prisoner transferred pursuant to this section must be returned to the sending jail upon the request of the sheriff of the sending jail, the sheriff of the receiving jail or the Commissioner of Corrections.

[PL 2015, c. 335, §16 (NEW).]

**6. Commissioner of Corrections to determine temporary housing assignments.** If a county that does not have a jail, has a jail that is not fully certified or has a jail that is unfit for occupation is unable to locate space in any other county facility for an adult or juvenile, the sheriff of that county may contact the Commissioner of Corrections for approval to obtain temporary housing in a correctional or detention facility operated by the Department of Corrections. The sheriff of the sending jail shall contact each other county facility in a continuing effort to locate placement in a county facility. When the sheriff of the sending jail locates available space in a county facility, the sheriff of the sending jail shall transfer the prisoner from the department's correctional or detention facility and place the prisoner in the county facility.

[PL 2015, c. 335, §16 (NEW).]

## SECTION HISTORY

PL 2015, c. 335, §16 (NEW). PL 2019, c. 113, Pt. C, §§76, 77 (AMD).

**§1558. Transfer from state correctional facilities**

**(REPEALED)**

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 2007, c. 653, Pt. A, §15 (RP).

**§1558-A. Transfer from state correctional facilities**

A sheriff may accept custody of a prisoner transferred to the sheriff's jail from state correctional facilities under Title 34-A, section 3063-C. [PL 2015, c. 335, §17 (NEW).]

SECTION HISTORY

PL 2015, c. 335, §17 (NEW).

**§1559. Administration of medication**

**1. Administration of medication by sheriff or deputy.** The sheriff of any county may administer to any prisoner in custody any oral or topical medication as prescribed by a licensed physician, nurse practitioner, physician assistant or dentist and approved by the facility health care provider or, if requested by a prisoner, any nonprescription medication in accordance with the directions on its container. The sheriff may delegate this authority to administer medication to the jail administrator or the jail administrator's designee or the facility health care provider.

[PL 2001, c. 153, §1 (AMD).]

**2. Limitations on administration of medication.** The sheriff or the sheriff's delegate may not administer any prescription or nonprescription medication to any prisoner who has been incarcerated in the county jail for less than 24 hours, unless the sheriff or the delegate has consulted with and received permission to administer that medication from a licensed physician, nurse practitioner, physician assistant or dentist or the facility health care provider.

[PL 2001, c. 153, §1 (AMD).]

**3. Insulin injections.** This section does not prevent any prisoner from self-administering insulin injections, provided that:

A. A duly licensed physician has authorized that self-administration; and [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. That self-administration takes place in the presence of the sheriff or the sheriff's delegate. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**4. Statement by prisoner.** Before administering any nonprescription medication to any prisoner who has been incarcerated in the county jail for 24 hours or longer, the sheriff or the sheriff's delegate shall obtain a written statement signed by the prisoner, which states that the prisoner has requested that medication and has had no previous adverse allergic reaction to that medication.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**5. Records of medication administered.** Every sheriff or the sheriff's delegate shall maintain for at least 2 years a record which includes a description of each prescription and nonprescription



medication administered in the county jail and the identity of each person to whom that medication is administered.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**6. Administration of medication not a violation.** The administration of medication to prisoners, as provided in this section, is not a violation of Title 32, section 2102, subsection 2, paragraph F, or Title 32, section 3270, or any other law.

[PL 2001, c. 667, Pt. A, §48 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 2001, c. 153, §1 (AMD). PL 2001, c. 667, §A48 (AMD).

#### §1560. Removal for disease

The removal of prisoners afflicted with dangerous diseases is governed as follows. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**1. Removal.** If a prisoner in a jail is afflicted with a disease that the Commissioner of Health and Human Services or the commissioner's designee, by medical advice, considers dangerous to the safety and health of other prisoners or of the inhabitants of the municipality, the commissioner or designee shall, by written order, direct the person's removal to some place of safety, to be securely kept and provided for until the commissioner's or designee's further order.

[PL 2007, c. 598, §13 (AMD).]

**1-A. Transportation; medical care.** A person detained or committed to a jail or correctional facility as a consequence of a violation of a public health measure pursuant to Title 22, section 812 or section 813 or as a consequence of a violation of a prescribed care order pursuant to Title 22, section 820 may be transported by the sheriff or superintendent of the correctional facility for medical care if a court orders the transport. The Department of Health and Human Services shall bear the costs of transportation and the per diem compensation for the accompanying officers.

[PL 2007, c. 359, §2 (NEW).]

**2. Return.** Upon recovering from the disease, the prisoner shall be returned to the place of confinement.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**3. Removal not escape.** A removal under this section is not an escape.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**4. Notice.** If the diseased person was committed to the place of confinement by an order of court or judicial process, the Commissioner of Health and Human Services or the commissioner's designee shall send the following to the office of the clerk of court from which the order or process was issued:

A. The order for the diseased person's removal or a copy of the order attested by the commissioner or designee; and [PL 2007, c. 598, §14 (AMD).]

B. A statement describing the actions taken under the order. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 2007, c. 598, §14 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 2007, c. 359, §2 (AMD). PL 2007, c. 598, §§13, 14 (AMD).

**§1561. Medical care and expenses**

Any person incarcerated in a county jail has a right to adequate professional medical care, which does not include medical treatment requested by the prisoner that the facility's treating physician determines unnecessary. The county commissioners may establish medical and dental fees not to exceed \$5 for the medical and dental services that are provided pursuant to this section and a fee not to exceed \$5 for prescriptions, medication or prosthetic devices. Except as provided in subsection 1, every prisoner may be charged a medical or dental services fee for each medical or dental visit and a fee for each prescription, medication or prosthetic device. The facility shall collect the fee. All money received by a county jail under this section is retained by the jail to offset the costs of medical and dental services fees and fees for prescriptions, medication or prosthetic devices. [PL 1995, c. 201, §1 (RPR).]

**1. Exemption from fees.** A prisoner is exempt from payment of medical and dental services fees and fees for prescriptions, medication or prosthetic devices when the prisoner:

- A. Receives treatment initiated by county jail staff; [PL 1995, c. 201, §1 (NEW).]
- B. Is a juvenile; [PL 1995, c. 201, §1 (NEW).]
- C. Is pregnant; [PL 1995, c. 201, §1 (NEW).]
- D. Is seriously mentally ill or developmentally disabled. For the purposes of this paragraph, "seriously mentally ill" or "developmentally disabled" means a prisoner who, as a result of a mental disorder or developmental disability, exhibits emotional or behavioral functioning that is so impaired as to interfere substantially with the prisoner's capacity to remain in the general prison population without supportive treatment or services of a long-term or indefinite duration, as determined by the facility's psychiatrist or psychologist. The exemption under this paragraph applies only to supportive treatment or services being provided to improve the prisoner's emotional or behavioral functioning; [PL 2015, c. 291, §2 (AMD).]
- E. Is an inpatient at a state-funded mental health facility or is a resident at a state-funded facility for individuals with adult developmental disabilities; [PL 2011, c. 542, Pt. A, §53 (AMD).]
- F. Is undergoing follow-up treatment; [PL 1995, c. 201, §1 (NEW).]
- G. Receives emergency treatment as determined by the county jail's medical or dental staff; or [PL 1995, c. 201, §1 (NEW).]
- H. Has less than \$15 in the prisoner's facility account and did not receive additional money from any source for 6 months following the medical or dental service or provision of the prescription, medication or prosthetic device. [PL 1995, c. 201, §1 (NEW).]

[PL 2015, c. 291, §2 (AMD).]

**2. Civil action for recovery of expenses.** Notwithstanding the other provisions of this section, a county may bring a civil action in a court of competent jurisdiction to recover the cost of medical, dental, psychiatric or psychological expenses incurred by a county on behalf of a prisoner incarcerated in a facility. The following assets are not subject to judgment under this subsection:

- A. Joint ownership, if any, that the prisoner may have in real property; [PL 1995, c. 201, §1 (NEW).]
- B. Joint ownership, if any, that the prisoner may have in any assets, earnings or other sources of income; and [PL 1995, c. 201, §1 (NEW).]
- C. The income, assets, earnings or other property, both real and personal, owned by the prisoner's spouse or family. [PL 1995, c. 201, §1 (NEW).]

[PL 1995, c. 462, Pt. D, §5 (AMD).]

**3. Assets of offender's spouse or family.**

[PL 1995, c. 201, §1 (RP).]

**4. Limitation on reimbursement rate to medical service providers for services outside county jail.** A county may pay to a provider of a medical service for a prisoner an amount no greater than the reimbursement rate applicable to that provider and that service as established by rule of the Department of Health and Human Services for the MaineCare program under Title 22. This limitation applies to all medical care services, goods, prescription drugs and medications provided to a prisoner outside the county jail.

[PL 2003, c. 461, §1 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1995, c. 201, §1 (RPR). PL 1995, c. 462, §D5 (AMD). PL 2003, c. 461, §1 (AMD). PL 2003, c. 689, §B6 (REV). PL 2011, c. 542, Pt. A, §53 (AMD). PL 2015, c. 291, §2 (AMD).

**§1562. Restitution**

The imposition of restitution at all jails is subject to the following conditions. [PL 1995, c. 197, §1 (RPR).]

**1. Damage to property.** Restitution may be imposed for the purpose of replacing or repairing property destroyed or damaged by a prisoner or juvenile while the prisoner or juvenile is at the jail. When restitution is imposed at a jail, a prisoner or a juvenile who is subject to that restitution and who is able to generate money from whatever source shall pay 25% of that money to the facility where the damage occurred. The facility shall collect that money and apply it to defray the cost of replacement or repair of the items destroyed or damaged.

[PL 1995, c. 197, §1 (RPR).]

**2. Medical care.** Restitution may be imposed for the purpose of paying the cost of medical care incurred as a result of the conduct of a prisoner or juvenile while the prisoner or juvenile is at the jail. When restitution is imposed at a jail, a prisoner or a juvenile who is subject to that restitution and who is able to generate money from whatever source shall pay 25% of that money to the jail where the medical care was provided. The facility shall collect that money and apply it to defray the cost of medical care.

[PL 1995, c. 197, §1 (RPR).]

**3. Transfer of prisoner or juvenile.** A prisoner or juvenile who is transferred to another facility remains liable for any restitution authorized under this subchapter. The facility receiving the prisoner or juvenile shall collect the restitution and transfer it to the facility where the damage occurred or where the medical care was provided.

[PL 1995, c. 197, §1 (NEW).]

**4. Money available.** Restitution is not authorized if its imposition would create an excessive financial hardship, as determined by the sheriff, on the dependents of the prisoner. Any payments made for the support of the dependents that are required by the Department of Health and Human Services may not be used for restitution payments.

[PL 1995, c. 197, §1 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1995, c. 197, §1 (RPR). PL 2003, c. 689, §B6 (REV).

**§1562-A. Death of a person in custody**

When a person in custody dies, an examination and inquest must be held, and the sheriff or jailer shall cause a medical examiner to be immediately notified for that purpose pursuant to Title 22, section 3025. For purposes of this section, "custody" means custody pursuant to an arrest, confinement in a county jail or other county correctional facility or when the person is on the way to or from a courthouse or any of these places while in the custody of a county law enforcement officer or county corrections official. The medical examiner shall also review the case file and relevant medical records and determine whether an autopsy is needed. If the medical examiner determines that an autopsy is needed, an autopsy must be performed. [PL 2011, c. 420, Pt. D, §3 (AMD); PL 2011, c. 420, Pt. D, §6 (AFF).]

#### SECTION HISTORY

PL 2011, c. 60, §2 (NEW). PL 2011, c. 420, Pt. D, §3 (AMD). PL 2011, c. 420, Pt. D, §6 (AFF).

#### **§1563. Disposal of body of person who died in jail**

When a person dies in jail and if the medical examiner determines that an autopsy is not needed under section 1562-A, the jailer or sheriff shall deliver the body to the friends of the deceased, if requested. Otherwise, the jailer or sheriff shall dispose of it for anatomical purposes, as provided in Title 22, chapter 709, unless the deceased at any time requested to be buried, in which case the jailer or sheriff shall bury the body in the common burying ground and the burial expenses must be paid by the municipality in which the deceased had a residence, if any in the State, or, if not, by the State. [PL 2011, c. 60, §3 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 2011, c. 60, §3 (AMD).

#### **§1564. Assistance to discharged prisoners**

**(REPEALED)**

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1997, c. 623, §5 (RP).

#### **§1565. Menstrual products**

Any person who is incarcerated in a jail or other county correctional facility who menstruates has a right to comprehensive access to menstrual products, including, but not limited to, sanitary pads and tampons, provided and available at all times and without inconvenience or charge to the incarcerated person. [PL 2019, c. 139, §1 (NEW).]

#### SECTION HISTORY

PL 2019, c. 139, §1 (NEW).

### SUBCHAPTER 2-A

#### PREGNANT PRISONERS AND PREGNANT JUVENILES

#### **§1581. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2015, c. 315, §2 (NEW).]

**1. Corrections officer.** "Corrections officer" means a person who is responsible for the custody or direct supervision of a person confined in a jail, prison or state correctional facility pursuant to an

order of a court or as a result of an arrest and who possesses a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy pursuant to Title 25, section 2803-A. [PL 2015, c. 315, §2 (NEW).]

**2. Labor.** "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity and duration to bring about effacement and progressive dilation of the cervix.

[PL 2015, c. 315, §2 (NEW).]

**3. Postpartum recovery.** "Postpartum recovery" means, as determined by a woman's physician, the period immediately following delivery, including the entire period the woman is in the hospital or infirmary after giving birth.

[PL 2015, c. 315, §2 (NEW).]

**4. Restraints.** "Restraints" means any physical restraint or mechanical device used to control the movement of a prisoner's or juvenile's body or limbs, including, but not limited to, disposable or soft restraints, handcuffs, a security restraint system that combines handcuffs with a rigid component, leg irons, belly chains, a security or tether chain and a convex shield.

[PL 2015, c. 315, §2 (NEW).]

#### SECTION HISTORY

PL 2015, c. 315, §2 (NEW).

#### §1582. Restraint of pregnant prisoners and pregnant juveniles

**1. Restraints prohibited.** A jail may not use restraints on a prisoner or juvenile known to be pregnant, including during transport to a medical facility or birthing center, labor, delivery and postpartum recovery, unless the jail administrator or the designee of the jail administrator makes a determination that the prisoner or juvenile presents an extraordinary circumstance as described in subsection 2.

[PL 2015, c. 315, §2 (NEW).]

**2. Exceptions.** Use of restraints on a pregnant prisoner or a pregnant juvenile for an extraordinary circumstance is permitted only if a jail administrator or designee of the jail administrator makes a determination that there is a substantial flight risk or other extraordinary medical or security circumstance that requires restraints to be used to ensure the safety and security of the pregnant prisoner or pregnant juvenile, the staff of the jail or medical facility, other prisoners or juveniles or the public, except that:

A. If a doctor, nurse or other health professional treating the prisoner or juvenile requests that restraints not be used, the corrections officer accompanying the prisoner or juvenile shall immediately remove all restraints; and [PL 2015, c. 315, §2 (NEW).]

B. Notwithstanding this subsection, leg or waist restraints may not be used at any time, and restraints may not be used on a prisoner or juvenile in labor or childbirth. [PL 2015, c. 315, §2 (NEW).]

[PL 2015, c. 315, §2 (NEW).]

**3. Procedures.** If restraints are used on a pregnant prisoner or pregnant juvenile pursuant to subsection 2:

A. The corrections officer must apply the least restrictive type of restraints in the least restrictive manner necessary; and [PL 2015, c. 315, §2 (NEW).]

B. The jail administrator or designee of the jail administrator shall make written findings within 10 days as to the extraordinary circumstance that required the use of the restraints. These findings must be kept on file by the jail for at least 5 years and must be made available for public inspection, except that individually identifying information of any prisoner or juvenile may not be made public

under this paragraph without the prior written consent of the prisoner or juvenile. [PL 2015, c. 315, §2 (NEW).]

[PL 2015, c. 315, §2 (NEW).]

**4. Privacy.** When a prisoner or juvenile is admitted to a medical facility or birthing center for labor or childbirth, a corrections officer may not be present in the room during labor or childbirth unless specifically requested by medical personnel. If a corrections officer's presence is requested by medical personnel, the corrections officer must be female if practicable.

[PL 2015, c. 315, §2 (NEW).]

#### SECTION HISTORY

PL 2015, c. 315, §2 (NEW).

#### **§1583. Standards; notice to female prisoners and juveniles**

**1. Mandatory minimum standards for pregnant prisoners and juveniles.** The Commissioner of Corrections shall adopt rules to establish mandatory minimum standards necessary to implement this subchapter and must enforce those standards as provided under Title 34-A, section 1208. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2015, c. 315, §2 (NEW).]

**2. Notice.** The jail administrator or the jail administrator's designee shall inform all female prisoners and female juveniles upon admission to the jail of the mandatory minimum standards adopted pursuant to subsection 1.

[PL 2015, c. 315, §2 (NEW).]

#### SECTION HISTORY

PL 2015, c. 315, §2 (NEW).

### SUBCHAPTER 3

#### PRISON LABOR

#### **§1601. Employment of prisoners generally**

The county commissioners may authorize the employment of prisoners committed for crime, for the benefit of the county or of their dependent families, in some suitable manner not inconsistent with their security and the discipline of the prison. The commissioners may pay the proceeds of that labor, less a reasonable sum to be deducted for the cost of maintenance of those prisoners, to the dependent families of the prisoners. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

This section does not apply to sections 1602 and 1603. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

#### **§1602. Charitable organizations**

**(REPEALED)**

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1989, c. 629, §1 (RP).

**§1603. Contracts subject to cancellation or suspension**

Except for contracts made under section 1602, any contract for the employment of prisoners made by the county commissioners with any person, firm or corporation, shall be made subject to the right of the county commissioners to withdraw, cancel or suspend the contract in whole or in part. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

**§1604. Pay for labor of prisoners before sentence**

Any person charged with a crime or awaiting sentence who, while confined in any jail where provision for labor has been made, chooses to labor as provided for persons under sentence, shall receive such sum for that labor as, in the judgment of the commissioners of that county, that person has earned. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

**§1605. Employment of county jail prisoners**

**1. Order of release; purpose.** Any person sentenced or committed to a county jail for crime, nonpayment of a fine or forfeiture or court order or criminal or civil contempt of court, may be granted the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes:

A. Employment; [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Conducting that person's own business or occupation, including, in the case of a person primarily responsible for the family's housekeeping and domestic needs, housekeeping and attending the needs of that family; [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Attendance at a weekly religious service; [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Attendance at an educational institution; [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

E. Medical treatment; [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

F. Voluntary services within the county in which the jail is located; or [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

G. To work or provide service to the victim of the crime in accordance with Title 17-A, chapter 69, but only with the express approval of the victim. [PL 2019, c. 113, Pt. C, §78 (AMD).]  
[PL 2019, c. 113, Pt. C, §78 (AMD).]

**2. Grant of privilege; withdrawal.**  
[PL 2001, c. 171, §1 (RP).]

**2-A. Grant of privilege.** The sheriff may grant a privilege described in subsection 1.

A. [PL 2003, c. 413, §1 (RP).]

B. [PL 2003, c. 413, §1 (RP).]  
[PL 2003, c. 413, §1 (AMD).]

**3. Wages, self-employment income; collection.** If a prisoner is employed for wages or salary, the sheriff shall collect the wages or salary or require the prisoner to turn over the wages or salary in full when received. If the prisoner is self-employed, the self-employment income must be turned over to the sheriff. The sheriff shall deposit the income in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. The wages or salaries are not subject to trustee process in the hands of either the employer or the sheriff, and the self-employment income is not subject to trustee process in the hands of the sheriff during the prisoner's term and may be disbursed only as provided in this section; but for tax purposes they are income of the prisoner.  
[PL 2003, c. 413, §2 (AMD).]

**3-A. Wages, self-employment income; collection.**  
[PL 2003, c. 413, §3 (RP).]

**4. Board; transportation.** Every prisoner gainfully employed is liable for the cost of board in the jail, as fixed by the county commissioners. If necessarily absent from jail at a mealtime, the prisoner shall by request be furnished with an adequate nourishing lunch to carry to work. The sheriff shall charge the prisoner's account, if there is one, for board.

If prisoners are gainfully self-employed, they shall pay the sheriff for board, in default of which privileges under this section are automatically forfeited.

If the jail food is furnished directly by the county, the sheriff shall account for and pay over these board payments to the county treasurer. The county commissioners may provide that the county furnish or pay for the transportation of prisoners employed under this section to and from the place of employment.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**5. Disbursements.** The wages or salaries of employed prisoners and employment income of self-employed prisoners must be disbursed by the sheriff for the following purposes, in the following order:

A. The board of the prisoners; [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Necessary travel expenses to and from work and other incidental expenses of the prisoners; [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Support of the prisoners' dependents, if any; [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]



D. Payments, either in full or ratably, of restitution, and of the prisoners' obligations, acknowledged in writing, in accordance with Title 17-A, chapter 69, or that have been reduced to judgment; [PL 2019, c. 113, Pt. C, §79 (AMD).]

D-1. Any fine, forfeiture, penalty or fee imposed upon a defendant; [PL 2003, c. 413, §4 (NEW).]

D-2. Any amount of attorney's fees or other expense authorized by the court at the request of the defendant or attorney and actually paid by the State on behalf of the defendant on the grounds that the defendant has been found to be indigent; [PL 2003, c. 413, §4 (NEW).]

D-3. Any surcharge imposed by Title 4, section 1057; and [PL 2003, c. 413, §4 (NEW).]

E. The balance, if any, to the prisoners upon their release. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 2019, c. 113, Pt. C, §79 (AMD).]

**5-A. Disbursements.**

[PL 2003, c. 413, §5 (RP).]

**6. Restitution disbursements.** Notwithstanding subsection 5, the wages or salaries of employed prisoners, employment income of self-employed prisoners or income from any other source must be disbursed by the sheriff in accordance with any restitution authorized by section 1562. These disbursements may not be authorized until any disbursements required by subsection 5, paragraphs A to D have been made.

[PL 2003, c. 413, §6 (AMD).]

**7. Employment in other county.** The sheriff may arrange with another sheriff for the employment of the prisoner in the other's county, and while so employed to be in the other's custody, but in other respects to be and continue subject to the commitment.

[PL 2003, c. 413, §7 (AMD).]

**7-A. Employment in other county.**

[PL 2003, c. 413, §8 (RP).]

**8. Evaluation of need of dependents.** The welfare director or the board of overseers of the municipality in which the prisoner's dependents reside, or the Department of Health and Human Services, shall at the request of the court investigate and report to the court the amount necessary for the support of the prisoner's dependents.

[PL 2021, c. 275, §20 (AMD).]

**9. Denial of privilege.** The sheriff may refuse to permit prisoners to exercise their privileges to leave the jail, as provided in subsection 1, for any breach of discipline or other violation of jail regulations. Any prisoner so disciplined may petition either the District Court or the Superior Court for a review of that disciplinary action. The court, after review, shall make any order that it considers appropriate.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**10. Violations.** Persons who willfully violate the terms of their release relating to the time for reporting to their place of employment or to any other place to which they may be released under subsection 1, paragraphs A to E, or for reporting back to the county jail may be punished by imprisonment for not more than 60 days. A prisoner who does not return to the county jail within 48 hours from the time scheduled to return is guilty of escape under Title 17-A, section 755.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**11. Rules of procedure.** Proceedings under this section are subject to the rules of procedure adopted under Title 4, section 9.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 2001, c. 171, §§1-8 (AMD). PL 2003, c. 413, §§1-8 (AMD). PL 2003, c. 689, §B6 (REV). PL 2019, c. 113, Pt. C, §§78, 79 (AMD). PL 2021, c. 275, §20 (AMD).

#### **§1606. Prisoner voluntary participation in public works projects and in work projects within the jails**

##### **(CONFLICT)**

**1. (CONFLICT: Text as amended by PL 2021, c. 169, §1) Voluntary participation in public works projects authorized.** The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other counties, may permit certain inmates of that jail, who have been sentenced, to voluntarily participate in public works-related projects or in the improvement of property owned by charitable organizations in that county or another county. A project or improvement must be supervised by the sheriff of the county in which the project or improvement is being conducted. The sheriff may request payment from charitable organizations for the transportation of the prisoners and for the transportation and per diem compensation for any corrections officers who accompany the prisoners. For the purposes of this section, "charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code of 1986, Section 501(a), because the nonprofit organization is described in the United States Internal Revenue Code of 1986, Section 501(c)(3).

[PL 2021, c. 169, §1 (AMD).]

**1. (CONFLICT: Text as amended by PL 2021, c. 338, §2) Participation in public works projects authorized.** The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other counties, may permit certain inmates of that jail, as well as others required to do so pursuant to Title 17-A, section 1902, subsection 1, to participate in public works-related projects or in the improvement of property owned by charitable organizations in that county or another county. A project or improvement must be supervised by the sheriff of the county in which the project or improvement is being conducted. The sheriff may request payment from charitable organizations for the transportation of the prisoners and for the transportation and per diem compensation for any guards who accompany the prisoners. For the purposes of this section, "charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code of 1986, Section 501(a), because the nonprofit organization is described in the United States Internal Revenue Code of 1986, Section 501(c)(3).

[PL 2021, c. 338, §2 (AMD).]

##### **1-A. Court approval.**

[PL 2003, c. 413, §9 (RP).]

**1-B. Voluntary participation in work projects within the jails.** The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other counties, may permit certain inmates of that jail who are detained at the jail pretrial or presentence to voluntarily participate in work projects within the jail and on jail property when under supervision and as approved by the sheriff.

[PL 2021, c. 169, §1 (NEW).]

**2. Sentence prorated.** Inmates participating in a public works-related project or an improvement of property owned by a charitable organization under subsection 1 may have their sentences to the jail prorated at the rate of up to one day removed from the sentences for every 16 hours of participation in the project, except that inmates committed to the custody of the sheriff for nonpayment of fines under Title 17-A, section 1711 must have their sentences prorated at the rate that is applicable to the individual inmate pursuant to Title 17-A, section 1711, subsection 4, paragraph A, subparagraph (1). [PL 2021, c. 169, §1 (AMD).]

**3. Participation not deemed employment.** Voluntary participation in a work project under subsection 1 or 1-B may not be deemed employment under section 1605, subsections 3 to 8. [PL 2021, c. 169, §1 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2, C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8, 10 (AMD). PL 1989, c. 629, §2 (AMD). RR 1991, c. 2, §114 (COR). PL 1997, c. 54, §2 (AMD). PL 2001, c. 171, §9 (AMD). PL 2003, c. 413, §9 (AMD). PL 2011, c. 506, §1 (AMD). PL 2013, c. 519, §9 (AMD). PL 2019, c. 113, Pt. C, §80 (AMD). PL 2021, c. 169, §1 (AMD). PL 2021, c. 338, §2 (AMD).

#### §1607. Family support

A prisoner may not participate in a work program under section 1605 or any other program administered by the sheriff by which a prisoner is able to generate money unless the prisoner consents to pay at least 25% of that money for the support of that prisoner's dependent children if the parent, legal guardian or legal custodian of that prisoner's dependent child requests that payment. Upon the written request of a parent, legal guardian or legal custodian, the sheriff of the county jail where the prisoner is incarcerated shall collect and disburse to the parent, legal guardian or legal custodian that portion of the prisoner's money to be paid for the support of that prisoner's dependent children. This section does not apply to any prisoner making payments for the support of a dependent child pursuant to a support order issued by a court or by the Department of Health and Human Services. [PL 1997, c. 358, §3 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

#### SECTION HISTORY

PL 1997, c. 358, §3 (NEW). PL 2003, c. 689, §B6 (REV).

### SUBCHAPTER 4

#### MISCELLANEOUS PROVISIONS

#### §1651. Examination of jails; board of visitors

**1. Examination.** At the commencement of each session required by law, the county commissioners shall examine the jail in their county and take necessary precautions for the security of prisoners, for the prevention of infection and sickness and for the accommodations of the prisoners. [PL 2003, c. 482, Pt. A, §1 (NEW).]

**2. Appointment.** The sheriff for each county shall appoint a board of 5 visitors for each correctional facility under the sheriff's supervision.

A. Members of the boards of visitors serve for terms of one year except that, of the initial appointments, 2 must be for terms of 3 years, 2 must be for terms of 2 years and one must be for a term of one year. [PL 2003, c. 482, Pt. A, §1 (NEW).]

B. Members of the boards of visitors are eligible for reappointment at the expiration of their terms. The boards of visitors must be representative of a broad range of professionals, family members

and citizens interested in the well-being of prisoners, including representatives of advocacy groups for human and civil rights, medical and psychiatric professionals, persons who have served in corrections settings and other interested citizens. [PL 2003, c. 482, Pt. A, §1 (NEW).]

C. A member of the Legislature may not serve on a board of visitors. [PL 2003, c. 482, Pt. A, §1 (NEW).]

D. The sheriffs of 2 or more counties, at their discretion, may appoint a joint board of visitors of 5 or more members. [PL 2003, c. 482, Pt. A, §1 (NEW).]

[PL 2003, c. 482, Pt. A, §1 (NEW).]

**3. Powers.** Each board of visitors shall inspect the correctional facility to which it is assigned, subject to reasonable restrictions required by the sheriff to ensure the security of the jail, and make recommendations to the sheriff with respect to inmates who are mentally ill.

[PL 2003, c. 482, Pt. A, §1 (NEW).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 2003, c. 482, §A1 (RPR).

#### **§1652. Jails to be clean and healthful**

The sheriff shall see that the county jail is kept clean and healthful and pay strict attention to the personal cleanliness of the prisoners. [PL 1997, c. 623, §6 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1997, c. 623, §6 (AMD).

#### **§1653. Bible, books and instruction for prisoners**

The jailer, at the county's expense, shall have available to each prisoner who is able to read a copy of the Bible, and to all, on Sundays, such religious instruction as may be obtained without expense, and to those who may be benefited hereby, instruction in reading, writing and arithmetic one hour every evening except on Sunday. The jailer shall receive for their use from whatever source, by loan or contribution, any books or literature of a moral or religious tone and exclude those of opposite tendencies. [PL 1987, c. 737, Pt. C, §2 and Pt (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

#### **§1654. Supplies for jails; accounts audited**

The county commissioners of the several counties shall, without extra charge or commission to themselves or to any other person, procure all necessary supplies, including necessary food, potable water, fuel, bedding and clothing for the jails and the prisoners in the jails, to be furnished and purchased under their direction and at the expense of the counties. A county commissioner may not be interested directly or indirectly in the purchase of any such supplies or in any contract for such supplies made by the board of which and while the county commissioner is a member, and all contracts made in violation of this provision are void. A suitable person must be employed to prepare the foods of the prisoners in each county at the expense of the county. The service of the food to the prisoners is under the general direction of the jailer, master or keeper. The sheriff shall appoint the person employed to prepare the food of the prisoners subject to the approval of the county commissioners. The county commissioners may at any time direct specific rations or articles of food, clothing, soap, fuel or other necessities to be provided to the prisoners. The bills and accounts for supplies furnished and the items of expense

incurred in preparing and serving these supplies must be audited pursuant to section 951. [PL 2019, c. 126, §3 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 2013, c. 16, §10 (REV). PL 2015, c. 44, §6 (AMD). PL 2019, c. 126, §3 (AMD).

#### **§1655. Cumberland commissioners annually advertise for supplies**

The county commissioners of the County of Cumberland may each year, as soon after January 1st as possible, estimate the amount of food, fuel, clothing and supplies as far as practicable which will be required by the county jail and for the support of the prisoners in the jail for the current year. They shall advertise for sealed proposals for furnishing those supplies according to specifications furnished by them, in the daily papers of the City of Portland, 3 days successively, at least 14 days before the time limited for the reception of those proposals, at which time they shall examine all the proposals and award the contract to the lowest responsible bidder. The county commissioners shall procure such other necessary supplies and articles for the foregoing purposes as may not be furnished by contract and account for the same in the manner provided for in section 1654. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

#### **§1656. Transfer of prisoners when jail unfit or insecure**

**(REPEALED)**

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1989, c. 887, §4 (AMD). PL 1995, c. 368, §R7 (AMD). PL 1997, c. 464, §6 (AMD). PL 2001, c. 458, §2 (AMD). PL 2007, c. 653, Pt. A, §16 (RP).

#### **§1657. Fines applied to building and repair of jail**

All fines imposed by this chapter and chapter 1, subchapter VI; Title 14, section 555; and Title 14, chapter 203, subchapter IV, not otherwise appropriated, shall be applied to building and repairing the jails in the county where the offense is committed. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

#### **§1658. Additional accommodations**

The county commissioners may make such additions in workshops, fences and other suitable accommodations in, adjoining or appurtenant to the jails in the several counties as may be found necessary for the safekeeping, governing and employing of offenders committed to the jails by authority of the State or the United States. For the better employing of these offenders, they may lease or purchase necessary lands or buildings anywhere within their respective counties and may authorize the employment on those lands for the benefit of the county or of dependent families of prisoners committed for crime, as provided in section 1601. Whenever the county commissioners determine that

the use of the land and buildings is unnecessary for that use, they may sell and dispose of the land and buildings in the manner required by law. The county commissioners may raise by loan of their respective counties, or otherwise, a total sum not exceeding \$5,000 to make those purchases, alterations and improvements, and may expend so much of that amount as is necessary. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

The county commissioners may purchase, lease, contract or enter into agreements for the use of facilities to house minimum security prisoners who have been sentenced to the county jail. These prisoners must be involved in restitution, work or educational release, or rehabilitative programs. The funds to purchase, lease or contract for these facilities and to provide any programs in these facilities may be taken from the funds received by the counties pursuant to former Title 34-A, section 1210-A and Title 34-A, section 1210-B. Any facilities used to house prisoners pursuant to the authority granted by this section are subject to standards established by the Department of Corrections pursuant to Title 34-A, section 1208-A. [PL 2007, c. 377, §6 (AMD); PL 2007, c. 377, §17 (AFF).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1989, c. 321, §1 (AMD). PL 1999, c. 127, §A44 (AMD). PL 2007, c. 377, §6 (AMD). PL 2007, c. 377, §17 (AFF).

#### **§1658-A. Regional county facilities**

The county commissioners of 2 or more counties jointly may plan, finance, construct and operate regional correctional facilities. County commissions that jointly act pursuant to this section shall adhere to the provisions of chapter 115 to the extent those provisions are applicable. [PL 2001, c. 489, §1 (NEW).]

#### SECTION HISTORY

PL 2001, c. 489, §1 (NEW).

#### **§1659. Home-release monitoring program**

#### **(REPEALED)**

#### SECTION HISTORY

PL 1991, c. 224 (NEW). PL 1991, c. 783, §2 (AMD). PL 1999, c. 247, §§1-7 (AMD). PL 2001, c. 171, §§10-14 (AMD). PL 2003, c. 413, §§10-13 (AMD). PL 2005, c. 68, §1 (AMD). PL 2009, c. 391, §5 (RP).

#### **§1659-A. Community confinement monitoring program**

The sheriff of each county shall establish a program to permit certain inmates to serve a portion of their sentence of imprisonment in community confinement monitored by the county or a contract agency or another county or its contract agency. The county may contract only with a community confinement monitoring agency approved by the Department of Corrections. [PL 2015, c. 335, §18 (AMD).]

**1. Petition.** A sheriff, upon written request from an inmate eligible for participation in a community confinement monitoring program and recommended by the jail administrator, may assign the inmate to participate in a community confinement monitoring program. At the time of granting this privilege, the sheriff shall determine whether the inmate is responsible for the cost of participating in the program based on the inmate's ability to pay. [PL 2009, c. 391, §6 (NEW).]

**2. Eligibility.** Inmates are eligible to participate in a community confinement monitoring program if:

- A. The inmate's residence is located within the State and in a location that does not in any way restrict the adequate monitoring of the inmate; [PL 2009, c. 391, §6 (NEW).]
- B. The inmate has been sentenced to the county jail; [PL 2009, c. 391, §6 (NEW).]
- C. The inmate is not serving a sentence for a sex offense or a sexually violent offense as defined under Title 34-A, section 11203; [PL 2009, c. 391, §6 (NEW).]
- D. The inmate has a verified security classification level of "medium" or "minimum" and scores "moderate" or "less" on a validated risk assessment tool as defined by the Department of Corrections; [PL 2015, c. 335, §19 (AMD).]
- E. The inmate serves a minimum of 1/3 of the term of imprisonment, or, in the case of a split sentence, a minimum of 1/3 of the unsuspended portion, prior to participating in a community confinement monitoring program. In calculating the amount of time served, deductions earned under Title 17-A, section 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311 and time reductions earned for charitable or public works projects under section 1606 must be counted; and [PL 2019, c. 113, Pt. C, §81 (AMD).]
- F. The inmate agrees to abide by the conditions of release pursuant to this section and any additional conditions imposed by the sheriff or jail administrator. [PL 2009, c. 391, §6 (NEW).] [PL 2019, c. 113, Pt. C, §81 (AMD).]

**3. Participation requirements.** The following requirements of this subsection apply to inmates participating in a community confinement monitoring program.

- A. Each inmate assigned to community confinement pursuant to this section shall participate in a structured program of work, education or treatment. Participation in a community confinement monitoring program may not be solely for the purpose of living at home. [PL 2009, c. 391, §6 (NEW).]
- B. At a minimum, the inmate shall report in person at least once per week to a community confinement monitor, even if being electronically monitored. [PL 2009, c. 391, §6 (NEW).]
- C. The jail administrator, or a designee, shall restrict in advance any travel or movement limiting the inmate's travel to specific times and places directly related to approved employment, formal education, job search, public service work, treatment or other specific purposes. [PL 2009, c. 391, §6 (NEW).]
- D. The inmate shall agree to searches of the inmate's person, residence, electronic monitoring equipment, vehicle, papers and effects and any property under the inmate's control, without a warrant and without probable cause, for items prohibited by law or by condition of participation in the program or otherwise subject to seizure or inspection upon the request of the jail administrator, a community confinement monitor or any law enforcement officer without prior notice. The sheriff or jail administrator may prohibit the inmate from residing with anyone who does not consent to a search or inspection of the residence to the extent necessary to search or inspect the inmate's person, residence, electronic equipment, papers and effects. [PL 2009, c. 391, §6 (NEW).]
- E. The inmate may not use alcohol or illegal drugs or other illegal substances or misuse any other legal substance. [RR 2017, c. 2, §13 (COR).]
- F. The inmate shall submit to urinalysis, breath testing or other chemical tests without probable cause at the request of the jail administrator or a community confinement monitor. [PL 2009, c. 391, §6 (NEW).]
- G. If stopped or arrested by a law enforcement officer, the inmate shall notify that officer of the inmate's participation in a community confinement monitoring program. Within one hour of having been stopped or arrested, the inmate shall notify the jail administrator or a community confinement monitor. [PL 2009, c. 391, §6 (NEW).]

H. The inmate may not violate state or federal criminal law or any conditions of the inmate's release. [PL 2009, c. 391, §6 (NEW).]

I. As a condition of participation of an inmate in a community confinement monitoring program, the sheriff may, based upon an inmate's ability to pay, require the inmate to pay a fee including an electronic monitoring fee, if applicable, a substance testing fee, if applicable, or both. The fee charged may include the costs associated with a community confinement program for people who do not have the financial resources to pay the fees. [PL 2009, c. 391, §6 (NEW).]

J. The inmate shall sign a statement verifying that the inmate understands and agrees to all of the conditions of release and participation in a community confinement monitoring program. [PL 2009, c. 391, §6 (NEW).]

[RR 2017, c. 2, §13 (COR).]

**4. Termination of the privilege.** The sheriff, jail administrator or a community confinement monitor may terminate an inmate's participation in a community confinement monitoring program at any time and return the inmate to the custody of the county jail for any violation of the conditions of the inmate's release or upon the loss of an appropriate residence on the part of the inmate.

[PL 2009, c. 391, §6 (NEW).]

**5. Crimes.** The following penalties apply to violations of this section.

A. An inmate is guilty of the crime of violating a condition of release from the community confinement monitoring program if the inmate intentionally or knowingly violates a condition of release. Violation of this paragraph is a Class D crime. [PL 2011, c. 464, §28 (RPR).]

B. An inmate is guilty of the crime of escape from the community confinement program as provided pursuant to Title 17-A, section 755, subsection 1-E. [PL 2011, c. 464, §28 (RPR).]

[PL 2011, c. 464, §28 (RPR).]

**6. Minimum standards supervision of inmates in the community confinement monitoring program.** The Department of Corrections shall establish minimum policy standards for the monitoring of inmates in the community confinement monitoring program.

[PL 2015, c. 335, §20 (AMD).]

**7. Program funding.** Funds collected pursuant to this section must be forwarded to an account designated by the Department of Corrections for the purpose of supporting pretrial, diversion or reentry activities. Community confinement monitoring program funds must be accounted for by the county through the normal budget process.

[PL 2015, c. 335, §20 (AMD).]

**8. Terminally ill or incapacitated inmate.** The sheriff may grant the privilege of participation in a community confinement monitoring program to an inmate who does not meet the requirements of subsection 2, paragraphs C and E if the jail's treating physician has determined that the inmate has a terminal or severely incapacitating medical condition and that care outside the jail is medically appropriate. Except as set out in this subsection, the inmate shall live in a hospital or other appropriate care facility, such as a nursing facility, residential care facility or facility that is a licensed hospice program pursuant to Title 22, section 8622 approved by the sheriff. As approved by the sheriff, the inmate may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1 or other care services and, subject to approval by the sheriff, may live at home while receiving these services. The sheriff may exempt an inmate participating in community confinement monitoring pursuant to this subsection from any requirements under subsection 3 that the sheriff determines to be inapplicable. The inmate shall provide any information pertaining to the inmate's medical condition or care that is requested by the sheriff at any time while the inmate is in the community confinement monitoring program. If the sheriff determines that the inmate has failed to fully comply with a request, or if at any time the jail's treating physician determines that the inmate



does not have a terminal or severely incapacitating medical condition or that care outside the jail is not medically appropriate, the sheriff shall terminate the inmate's participation in the community confinement monitoring program. Except as set out in this subsection, all other provisions of this section apply to community confinement monitoring pursuant to this subsection.

[PL 2009, c. 391, §6 (NEW).]

**9. Effective date.** This section is effective January 1, 2010.

[PL 2009, c. 391, §6 (NEW).]

#### SECTION HISTORY

PL 2009, c. 391, §6 (NEW). PL 2011, c. 464, §28 (AMD). PL 2015, c. 335, §§18-20 (AMD). RR 2017, c. 2, §13 (COR). PL 2017, c. 407, Pt. A, §119 (AMD). PL 2019, c. 113, Pt. C, §81 (AMD).

#### §1660. Report

**1. Annual report.** Annually by January 15th, beginning in 2003, the Commissioner of Corrections shall submit a report in accordance with this section to the joint standing committee of the Legislature having jurisdiction over criminal justice matters.

[PL 2001, c. 171, §15 (NEW).]

**2. Information on releases.** The report required in this section must include the following information for each county corrections facility about releases of inmates from the facility pursuant to sections 1605, 1606 and 1659-A and former section 1659 during the prior calendar year:

A. The total number of inmates who were granted the privilege of release; [PL 2001, c. 171, §15 (NEW).]

B. The number of inmates that were granted the privilege of release for each of the following purposes and the nature of the crimes committed by those inmates:

- (1) Employment;
- (2) Participation in public works-related projects;
- (3) Participation in a home-release monitoring program;
- (3-A) Participation in a community confinement monitoring program; and
- (4) All other purposes; [PL 2009, c. 391, §7 (AMD).]

C. The number of inmates who requested and were denied the privilege of release for each of the following purposes and the nature of the crimes committed by those inmates:

- (1) Employment;
- (2) Participation in public works-related projects;
- (3) Participation in a home-release monitoring program;
- (3-A) Participation in a community confinement monitoring program; and
- (4) All other purposes; [PL 2009, c. 391, §7 (AMD).]

D. With respect to each inmate who was granted the privilege of release and who subsequently had the privilege revoked:

- (1) The total number of such inmates;
- (2) The purpose for which the release was granted;
- (3) The entity that revoked the privilege;
- (4) The reasons for the revocation; and

(5) Whether the revocation was appealed and the result of that appeal; and [PL 2001, c. 171, §15 (NEW).]

E. Any other information that the Commissioner of Corrections believes appropriate to accurately inform the Legislature about sheriffs' handling of release decisions. [PL 2001, c. 171, §15 (NEW).]

[PL 2009, c. 391, §7 (AMD).]

**3. Information on furloughs.** The report must include the following information for each county corrections facility about inmates furloughed from the facility pursuant to section 1556 for treatment for mental conditions during the prior calendar year:

A. The total number of such furloughs; [PL 2001, c. 659, Pt. F, §3 (NEW).]

B. The longest, shortest and average length of such furloughs; and [PL 2001, c. 659, Pt. F, §3 (NEW).]

C. The type of facilities or care to which the inmates were furloughed. [PL 2001, c. 659, Pt. F, §3 (NEW).]

[PL 2001, c. 659, Pt. F, §3 (NEW).]

**4. Information on pregnant prisoners and pregnant juveniles.** The report required in this section must include the following information for each jail about pregnant prisoners and pregnant juveniles restrained pursuant to subchapter 2-A during the prior calendar year:

A. The total number of pregnant prisoners and pregnant juveniles; [PL 2015, c. 315, §3 (NEW).]

B. The total number of pregnant prisoners and pregnant juveniles who were restrained; [PL 2015, c. 315, §3 (NEW).]

C. The length of time each pregnant prisoner or pregnant juvenile was restrained; and [PL 2015, c. 315, §3 (NEW).]

D. The reasons for each instance of restraining a pregnant prisoner or pregnant juvenile. [PL 2015, c. 315, §3 (NEW).]

[PL 2015, c. 315, §3 (NEW).]

#### SECTION HISTORY

PL 2001, c. 171, §15 (NEW). PL 2001, c. 659, §§2,3 (AMD). PL 2009, c. 391, §7 (AMD). PL 2015, c. 315, §3 (AMD).

#### §1661. Collaboration among counties

A county may collaborate with another county or counties to seek grants or establish community corrections programs or initiatives. [PL 2015, c. 335, §21 (NEW).]

#### SECTION HISTORY

PL 2015, c. 335, §21 (NEW).

#### §1662. County jail and regional jail reporting

**1. County jail and regional jail interjail boarding rates.** Beginning November 1, 2017, a county jail or regional jail shall report to the Department of Corrections on a form provided by and on a schedule established by the department regarding interjail boarding rates. The county jail or regional jail shall identify the types of agreements regarding boarding of inmates that it has with other jails. By January 15th each year, beginning January 15, 2018, the Department of Corrections shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding data derived from the interjail boarding rate information and any recommendations from the jails or the department.

[PL 2017, c. 214, §2 (NEW).]

**2. County jail and regional jail financial audits.** Beginning November 1, 2017, a county jail or regional jail shall report to the Department of Corrections on a schedule established by the department regarding financial audits performed for the jails. By January 15th each year, beginning January 15, 2018, the Department of Corrections shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding data derived from the financial audit information provided by the jails and any recommendations from the jails or the department.

[PL 2017, c. 214, §2 (NEW).]

**3. Pretrial detention.** Beginning November 1, 2017, a county jail or regional jail shall report twice per month to the Unified Criminal Docket in the judicial region in which the jail is located on the pretrial detention population in the jail. The jail shall report on the form provided by the Unified Criminal Docket.

[PL 2017, c. 214, §2 (NEW).]

#### SECTION HISTORY

PL 2017, c. 214, §2 (NEW).

### SUBCHAPTER 5

#### CRIMINAL JUSTICE PLANNING COMMITTEES

##### §1671. Criminal justice planning committees

**1. Establishment.** Each county, or each county working jointly with another county or other counties or with the Department of Corrections, may establish a local criminal justice planning committee, referred to in this subchapter as "the committee."

[PL 2007, c. 653, Pt. A, §17 (AMD).]

**2. Membership.** Each committee is composed of representatives of various criminal justice stakeholder groups, including, but not limited to:

- A. County commissioners; [PL 2007, c. 377, §7 (NEW).]
- B. Judges; [PL 2007, c. 377, §7 (NEW).]
- C. Prosecutors; [PL 2007, c. 377, §7 (NEW).]
- D. Sheriffs; [PL 2007, c. 377, §7 (NEW).]
- E. Jail administrators; [PL 2007, c. 377, §7 (NEW).]
- F. Adult probation officers; [PL 2007, c. 377, §7 (NEW).]
- G. State and municipal law enforcement officers; [PL 2007, c. 377, §7 (NEW).]
- H. Defense attorneys; [PL 2007, c. 377, §7 (NEW).]
- I. The courts; [PL 2007, c. 377, §7 (NEW).]
- J. Victim advocates; and [PL 2007, c. 377, §7 (NEW).]
- K. Members of the public. [PL 2007, c. 377, §7 (NEW).]

[PL 2007, c. 377, §7 (NEW).]

**3. Duties.** Each committee shall collaborate with each other and coordinate efforts to educate, update and increase the use of evidence-based community corrections practices at the local level. The duties of each committee include:

- A. Developing and adopting a mission statement consistent with the purposes of the State Board of Corrections under Title 34-A, section 1801; [PL 2015, c. 329, Pt. A, §18 (AMD).]
- B. Regularly assessing county correctional needs and determining what community correctional programs best meet those needs; and [PL 2007, c. 653, Pt. A, §18 (AMD).]
- C. [PL 2007, c. 653, Pt. A, §18 (RP).]
- D. [PL 2007, c. 653, Pt. A, §18 (RP).]
- E. Monitoring and overseeing community corrections investments and programming, tracking outcomes and making necessary recommendations for change to ensure efficient and effective evidence-based community corrections programming. [PL 2007, c. 377, §7 (NEW).]  
[PL 2015, c. 329, Pt. A, §18 (AMD).]

#### **4. Reports.**

[PL 2007, c. 653, Pt. A, §19 (RP).]

#### **5. Collaboration.**

[PL 2007, c. 653, Pt. A, §20 (RP).]

### SECTION HISTORY

PL 2007, c. 377, §7 (NEW). PL 2007, c. 653, Pt. A, §§17-20 (AMD). PL 2015, c. 329, Pt. A, §18 (AMD).

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