



125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1760

H.P. 1295

House of Representatives, January 9, 2012

**An Act To Ensure Notification to Victims of Domestic Violence,
Sexual Assault and Stalking When Defendants Are Released on Bail**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CASAVANT of Biddeford.

Cosponsored by Representatives: BEAVERS of South Berwick, BRIGGS of Mexico, CHASE of Wells, GRAHAM of North Yarmouth, PARRY of Arundel, ROCHELO of Biddeford, RUSSELL of Portland, Senator: HOBBS of York.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** notification of a defendant's release on bail is essential information for a
4 victim of domestic violence, sexual assault or stalking in making a safety plan; and

5 **Whereas,** current practices of notification to victims of domestic violence, sexual
6 assault and stalking of defendants' release on bail are neither uniform nor consistent, and
7 sometimes notification does not occur at all; and

8 **Whereas,** creating a uniform notification process will better protect and ensure the
9 lives and safety of victims of domestic violence, sexual assault and stalking; and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
11 the meaning of the Constitution of Maine and require the following legislation as
12 immediately necessary for the preservation of the public peace, health and safety; now,
13 therefore,

14 **Be it enacted by the People of the State of Maine as follows:**

15 **Sec. 1. 17-A MRSA §1175-A** is enacted to read:

16 **§1175-A. Notification of defendant's release on bail**

17 **1.** In a case of domestic violence, sexual assault or stalking, a victim who wishes to
18 receive notification of a defendant's release on bail may make a request for notification to
19 the county jail, the responding law enforcement officer or the office of the attorney for
20 the State. If at the time of the arrest the victim requests notification of release, the
21 responding law enforcement officer shall provide the request and the victim's contact
22 information to the county jail in which the defendant is in custody. If the request is made
23 to the office of the attorney for the State, the office shall transmit the request to the intake
24 division of the jail. A victim may make a request for notification of release directly to the
25 intake division of the jail.

26 **2.** In a case of domestic violence, sexual assault or stalking, a county jail shall notify
27 a victim who has requested notification pursuant to subsection 1 of a defendant's release
28 on bail within one hour of the defendant's release or as soon as possible.

29 **3.** Notification under subsection 2 must be made by a telephone call directly to the
30 victim who requested the notification. In the event that the victim cannot be contacted
31 after the jail has exercised due diligence in attempting to contact the victim, notification
32 of the release must be made to the law enforcement agency that investigated the report of
33 domestic violence.

34 **Emergency clause.** In view of the emergency cited in the preamble, this
35 legislation takes effect when approved.

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SUMMARY

This bill ensures that a victim of domestic violence, sexual assault or stalking receives prompt notification directly from the jail when a person who is alleged to have committed the offense is released on bail from the jail. The same confidentiality provisions governing the protection of victim information under the Maine Revised Statutes, Title 17-A, chapter 48 apply to the new notification provision.