

### §1003. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1987, c. 758, §20 (NEW).]

**1. Bail.** "Bail" is defined as follows.

A. In the preconviction context, "bail" means the obtaining of the release of the defendant upon an undertaking that the defendant shall appear at the time and place required and that the defendant shall conform to each condition imposed in accordance with section 1026 that is designed to ensure that the defendant shall refrain from any new criminal conduct, to ensure the integrity of the judicial process and to ensure the safety of others in the community. [PL 2007, c. 374, §1 (AMD).]

B. In the post-conviction context, "bail" means the obtaining of the release of the defendant upon an undertaking that the defendant shall appear and surrender into custody at the time and place required and that the defendant shall conform to each condition imposed in accordance with section 1051 that is designed to ensure that the defendant refrains from any new criminal conduct, to ensure the integrity of the judicial process and to ensure the safety of others in the community. [PL 2007, c. 374, §1 (AMD).]

[PL 2007, c. 374, §1 (AMD).]

**2. Court.** "Court" means any Justice of the Supreme Judicial Court or Superior Court or any active retired justice and any District Court Judge or active retired judge when assigned under Title 4, section 157-C.

[PL 1999, c. 547, Pt. B, §38 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

**3. Crime bailable as of right preconviction.** "Crime bailable as of right preconviction" means a crime for which, under the Constitution of Maine, Article I, Section 10, a defendant has an absolute right to have bail set at the preconviction stage of any criminal proceeding.

[PL 1987, c. 758, §20 (NEW).]

**3-A. Crime involving domestic violence.** "Crime involving domestic violence" means:

A. As defined in Title 17-A, a crime of domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking or domestic violence reckless conduct; and [PL 2011, c. 341, §1 (NEW).]

B. A violation of a protective order under Title 19-A, section 4113, the alleged victim of which is a family or household member as defined in Title 19-A, section 4102, subsection 6, paragraphs A to E. [PL 2021, c. 647, Pt. B, §7 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

[PL 2021, c. 647, Pt. B, §7 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

**4. Crime bailable only as a matter of discretion preconviction.** "Crime bailable only as a matter of discretion preconviction" means a formerly capital offense for which, pursuant to a Harnish bail proceeding, a capital defendant's conditional constitutional right to have bail set at the preconviction stage of a criminal proceeding has been extinguished.

[PL 1987, c. 758, §20 (NEW).]

**4-A. Ensure the safety of others in the community.** "Ensure the safety of others in the community," when used in the context of the granting or denial of bail, means protecting community members, other than those already protected under subsection 5, from the potential danger posed by the defendant to a specific person or to persons in the community generally.

[PL 2007, c. 374, §2 (NEW).]

**5. Ensure the integrity of the judicial process.** To "ensure the integrity of the judicial process," when used in the context of the granting or denial of bail, means safeguarding the role of the courts in adjudicating the guilt or innocence of defendants by ensuring the presence of the defendant in court and otherwise preventing the defendant from obstructing or attempting to obstruct justice by threatening,

injuring or intimidating a victim, prospective witness, juror, attorney for the State, judge, justice or other officer of the court.

A. [PL 1997, c. 585, §2 (RP).]

B. [PL 1997, c. 585, §2 (RP).]  
[PL 1997, c. 585, §2 (RPR).]

**5-A. Failure to appear.** "Failure to appear" includes a failure to appear at the time or place required by a release order and the failure to surrender into custody at the time and place required by a release order or by the Maine Rules of Unified Criminal Procedure, Rule 32(a) and Rule 38(d).  
[PL 2015, c. 431, §9 (AMD).]

**6. Formerly capital offenses.** "Formerly capital offenses" means crimes which have been denominated capital offenses since the adoption of the Constitution of Maine.  
[PL 1987, c. 758, §20 (NEW).]

**7. Harnish bail proceeding.** "Harnish bail proceeding" means a preconviction bail proceeding in which the State is offered the opportunity to obtain a judicial finding of probable cause that the defendant has committed a formerly capital offense, and the defendant, at the same proceeding, is afforded the opportunity to know and rebut the case against the defendant.  
[PL 1987, c. 758, §20 (NEW).]

**8. Judicial officer.** "Judicial officer" includes the court, as defined in subsection 2, and a bail commissioner.  
[PL 1987, c. 758, §20 (NEW).]

**8-A. New criminal conduct.** "New criminal conduct" refers to criminal activity by a defendant occurring after bail has been set.  
[PL 1997, c. 543, §6 (NEW).]

**9. Post-conviction.** "Post-conviction" means any point in a criminal proceeding after a verdict or finding of guilty or after the acceptance of a plea of guilty or nolo contendere.  
[PL 1995, c. 356, §2 (AMD).]

**10. Preconviction.** "Preconviction" means any point in a criminal proceeding before a verdict in the context of a jury trial or finding of guilty in the context of a jury-waived trial or before the acceptance of a plea of guilty or nolo contendere.  
[PL 1995, c. 356, §2 (AMD).]

**11. Unified Criminal Docket.** "Unified Criminal Docket" means the unified criminal docket established by the Supreme Judicial Court.  
[PL 2015, c. 431, §10 (NEW).]

## SECTION HISTORY

PL 1987, c. 758, §20 (NEW). PL 1987, c. 870, §2 (AMD). PL 1995, c. 356, §§1,2 (AMD). PL 1997, c. 543, §§3-6 (AMD). PL 1997, c. 585, §2 (AMD). PL 1999, c. 547, Pt. B, §38 (AMD). PL 1999, c. 547, Pt. B, §80 (AFF). PL 2003, c. 15, §1 (AMD). PL 2007, c. 374, §§1, 2 (AMD). PL 2011, c. 341, §1 (AMD). PL 2015, c. 431, §§9, 10 (AMD). PL 2021, c. 647, Pt. B, §7 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF).

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