§1811. Initial proceedings on probation violation; filing of motion; initial appearance

1. Timing of motion for probation revocation. A motion for probation revocation, which first must be approved by the prosecuting attorney, must be filed within 3 days, excluding Saturdays, Sundays and holidays, of the arrest of a person on probation pursuant to section 1809. The motion may be withdrawn by either the probation officer or the prosecuting attorney. If the request to withdraw the motion is made by the probation officer, the request must state the position of the prosecuting attorney regarding that request.
[PL 2025, c. 694, §2 (AMD).]

2. Contents of motion. The motion must set forth the facts underlying the alleged violation and, unless the person is to be given a probable cause hearing at the initial appearance as provided in section 1809, must be accompanied by a copy of the summons delivered to the person.
[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Timing of initial appearance on motion receipt; copy of motion to person on probation. Upon receipt of a motion for revocation of probation with respect to a person arrested pursuant to section 1809 or section 1810, subsection 4 who is not sooner released, the court shall provide the person with an initial appearance on the revocation of probation within 5 days after the arrest, excluding Saturdays, Sundays and holidays. A copy of the motion must be furnished to the person prior to or at the initial appearance.
[PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Procedure at initial appearance. At the initial appearance, the court shall advise the person of the contents of the motion, the right to a hearing on the motion, the right to be represented by counsel at a hearing and the right to appointed counsel. If the person cannot afford counsel, the court shall appoint counsel for the person. The court shall ask the person to admit or deny the alleged violation. If the person refuses to admit or deny, a denial must be entered. In the case of a denial, the court shall set the motion for hearing and may commit the person, with or without bail, pending hearing. If the person is committed without bail pending hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance.
[PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Bail determination. In deciding whether to set bail under this section and in setting the kind and amount of that bail, the court must be guided by the standards of post-conviction bail in Title 15, section 1051, subsection 2-A. Appeal is governed by Title 15, section 1051, subsections 5 and 6. Bail set under this section is also governed by the sureties and other forms of bail provisions in Title 15, chapter 105-A, subchapter 4 and the enforcement provisions in Title 15, chapter 105-A, subchapter 5, articles 1 and 3, including the appeal provisions in Title 15, section 1099-A, subsection 2.
[PL 2019, c. 113, Pt. A, §2 (NEW).]

6. Effect of failure to meet time limits. Failure to comply with the time limits set forth in this section is not grounds for dismissal of a motion for probation revocation but may be grounds for the release of the person on probation on personal recognizance pending further proceedings.
[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW). PL 2025, c. 694, §2 (AMD).

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