

125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1087

S.P. 320

In Senate, March 15, 2011

An Act To Modernize the Procedure for Appeals in Criminal Cases

Reference to the Committee on Judiciary suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR. Secretary of the Senate

Presented by Senator TRAHAN of Lincoln.

Cosponsored by Representative SANDERSON of Chelsea and

Senators: BARTLETT of Cumberland, HASTINGS of Oxford, HILL of York, KATZ of Kennebec, MASON of Androscoggin, RECTOR of Knox, Representatives: MacDONALD of

Boothbay, PLUMMER of Windham.

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

- **Sec. 1. 15 MRSA §2115-A, sub-§5,** as amended by PL 1995, c. 47, §3, is further amended to read:
- **5. Approval of Attorney General or district attorneys.** In any appeal taken pursuant to subsection 1, 2, 2-A or 2-B, the written approval of <u>either</u> the Attorney General <u>or at least 3 other district attorneys</u> is required; <u>provided that if.</u> The attorney for the State must first request approval from the Attorney General. If the Attorney General <u>does not approve the appeal</u>, the attorney for the State may proceed with the appeal if at <u>least 3 other district attorneys provide written approval</u>. If the attorney for the State filing the notice of appeal states in the notice that the Attorney General has orally stated that the approval will be granted, the written approval may be filed at a later date.

12 SUMMARY

Current law provides that a prosecutor is prohibited from filing an appeal in certain criminal matters without the written approval of the Attorney General. This bill allows the prosecutor to proceed with the appeal even after the Attorney General does not approve the appeal if at least 3 other district attorneys give their written approval.