

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

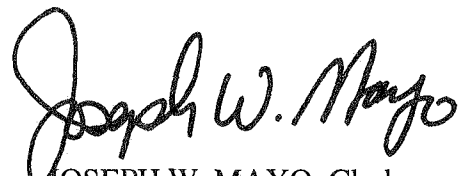
No. 996

H.P. 732

House of Representatives, February 11, 1997

An Act to Amend the Definition of a Juvenile.

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


JOSEPH W. MAYO, Clerk

Presented by Representative BRAGDON of Bangor.
Cosponsored by Senator MITCHELL of Penobscot and
Representatives: BROOKS of Winterport, BUNKER of Kossuth Township, CAMPBELL of
Holden, CIANCHETTE of South Portland, CLUKEY of Houlton, FRECHETTE of Biddeford,
MUSE of South Portland, Senator: AMERO of Cumberland.

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

4 **Sec. 1. 15 MRSA §1102**, as amended by PL 1995, c. 65, Pt. A, §44 and affected by §153 and Pt. C, §15, is further amended to read:

6 **§1102. Detention of juveniles charged as adults**

8
10 Unless they have attained their ~~18th~~ 17th birthday, persons who are arrested for crimes defined under Title 12 or Title 29-A, that are not juvenile crimes as defined in section 3103, may not be detained unless a juvenile caseworker has been notified within 2 hours after the person's arrest and has approved the detention. Section 3203-A, subsection 7, paragraphs A and B, governing the facilities in which juveniles may be detained, apply to any detention of such juveniles following arrest.

18 **Sec. 2. 15 MRSA §3003, sub-§14**, as enacted by PL 1977, c. 520, §1, is amended to read:

20 **14. Juvenile.** "Juvenile" means any person who has not attained the age of ~~18~~ 17 years.

24 **Sec. 3. 15 MRSA §3203-A, sub-§7, ¶A**, as amended by PL 1991, c. 493, §10, is further amended to read:

26 A. A juvenile may be detained in a jail or other secure detention facility intended for use or primarily used for the detention of adults only when the serving facility:

30 (1) Contains an area where juveniles are under direct staff observation at all times, in a separate section for juveniles that complies with mandatory sight and sound separation standards established by the Department of Corrections pursuant to Title 34-A, section 1208;

38 (2) Provides for no regular contact between the juveniles with the adult detainees or inmates; and

40 (3) Has an adequate staff to provide direct observation and supervise the juvenile's activities at all times during emergency detention.

44 Juveniles detained in adult-serving facilities may be placed
46 only in the separate juvenile sections that comply with mandatory separation standards established by the Department
48 of Corrections pursuant to Title 34-A, section 1208, unless the court orders that the person be detained with adults for
50 any period of detention occurring after the detainee has

2 attained the age of 18 17 years or unless the juvenile is
bound over as an adult and held in an adult section of a
4 facility pursuant to court order.

6 **Sec. 4. 15 MRSA §3205, sub-§2**, as enacted by PL 1991, c. 493,
§17, is amended to read:

8 **2. Exception.** Subsection 1 applies to any person who is
considered a juvenile by virtue of section 3101, subsection 2,
10 paragraph D except that if the person has attained the age of 18
17 years, any detention and any commitment pursuant to section
12 3314, subsection 1, paragraph H may be, upon the order of a
court, in an adult section of a jail or other secure detention
14 facility intended or primarily used for the detention of adults
and may extend beyond the time limits set out in section 3203-A,
16 subsection 1, paragraph B-1 and section 3203-A, subsection 7,
paragraph B-1.

18 **Sec. 5. 17-A MRSA §10-A, sub-§1**, as enacted by PL 1981, c.
20 324, §12, is amended to read:

22 **1.** No criminal proceeding may be commenced against any
person who had not attained ~~his-18th~~ that person's 17th birthday
24 at the time of the alleged crime, except as the result of a
finding of probable cause authorized by Title 15, section 3101,
26 subsection 4, or in regard to the offenses over which juvenile
courts have no jurisdiction, as provided in Title 15, section
28 3101, subsection 2.

30 **SUMMARY**

32 This bill amends the Juvenile Code and the Maine Criminal
34 Code by reducing to 17 years of age from 18 years of age the age
at which a person is considered a juvenile.