

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1397

H.P. 1011

House of Representatives, March 26, 2019

**An Act To Ensure That Statements Made by a Juvenile or a
Juvenile's Parents, Guardian or Legal Custodian While
Participating in Informal Adjustment Processes Are Not Admissible
in Court**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MORALES of South Portland.
Cosponsored by Representatives: BABINE of Scarborough, BAILEY of Saco, CARDONE of Bangor, HARNETT of Gardiner, TALBOT ROSS of Portland, WARREN of Hallowell,
Senator: CARPENTER of Aroostook.

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

2 **Sec. 1. 15 MRSA §3204, first ¶**, as amended by PL 1999, c. 624, Pt. B, §7, is
3 further amended to read:

4 Statements of a juvenile or of a juvenile's parents, guardian or legal custodian made
5 to a juvenile community corrections officer during the course of a preliminary
6 investigation ~~or made to a community resolution team under section 3301~~ are not
7 admissible in evidence at an adjudicatory hearing against that juvenile if a petition based
8 on the same facts is later filed.

9 **Sec. 2. 15 MRSA §3204**, as amended by PL 1999, c. 624, Pt. B, §7, is further
10 amended by adding at the end a new paragraph to read:

11 Statements of a juvenile or of a juvenile's parents, guardian or legal custodian made
12 during an informal adjustment or during a restorative justice program or substance use
13 disorder or mental health treatment program attended by the juvenile in connection with
14 an informal adjustment are not admissible in evidence at an adjudicatory hearing against
15 that juvenile if a petition based on the same facts is later filed.

16 **SUMMARY**

17 This bill amends the Maine Juvenile Code to provide that statements of a juvenile or
18 of a juvenile's parents, guardian or legal custodian made during an informal adjustment or
19 during a restorative justice program or substance use disorder or mental health treatment
20 program attended by the juvenile in connection with an informal adjustment are not
21 admissible in evidence at an adjudicatory hearing against that juvenile if a petition based
22 on the same facts is later filed. The bill also removes a cross-reference to a provision of
23 law regarding community resolution teams, which has been repealed.