

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 42

H.P. 6

House of Representatives, January 8, 2025

An Act Regarding the Bind-over and Detention of Juveniles

Submitted by the Department of Corrections pursuant to Joint Rule 204.

Received by the Clerk of the House on January 6, 2025. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative SALISBURY of Westbrook.

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

2 **Sec. 1. 15 MRSA §3101, sub-§4, ¶E-2**, as amended by PL 2015, c. 409, §3, is
3 further amended to read:

4 E-2. If the Juvenile Court binds a juvenile over for prosecution as an adult and has
5 directed the detention of the juvenile, if the juvenile attains 18 years of age and is being
6 detained, the juvenile must be detained in an adult section of a jail unless the
7 Department of Corrections requests that the juvenile be detained in a detention facility
8 approved or operated by the department exclusively for juveniles and the court with
9 jurisdiction over the proceedings at the time of the request grants that request. The
10 court may grant a request made pursuant to this paragraph and direct the department to
11 detain the juvenile in a detention facility for juveniles as described in this paragraph
12 only for the period of time that the juvenile is detained prior to the commencement of
13 adult proceedings, including any period of time the juvenile is detained pending an
14 appeal of the order binding the juvenile over for prosecution as an adult taken following
15 the issuance of the bind-over order but not including any period of time the juvenile is
16 detained pending an appeal taken after the juvenile is convicted as an adult. The
17 department may at any time request that the court rescind an order issued pursuant to
18 this paragraph that directs the department to detain a juvenile bound over as an adult
19 in a detention facility approved or operated by the department exclusively for juveniles.
20 If the court grants the request to rescind that order, the juvenile to which the order refers
21 must be detained in an adult section of a jail. A person may not be detained in a
22 detention facility approved or operated by the department exclusively for juveniles if
23 the person attains 21 years of age.

24 **SUMMARY**

25 This bill amends the law governing detention of juveniles who have been bound over
26 for prosecution as an adult. Under current law, when a detained juvenile who has been
27 bound over for prosecution as an adult reaches 18 years of age, the juvenile must be
28 detained in an adult section of a jail. This bill adds an exception to this provision by
29 allowing the Department of Corrections to request and the court to order that the juvenile
30 be detained in a department detention facility exclusively for juveniles. The court may grant
31 a request made pursuant to this provision only for the period of time that the juvenile is
32 detained prior to the commencement of adult proceedings, including while awaiting appeal
33 of the order binding the juvenile over for prosecution as an adult but not including any
34 period of time pending an appeal taken after the juvenile is convicted as an adult. Once a
35 court has granted the department's request made pursuant to this provision, the department
36 may at any time request that the court rescind that decision. If the court grants the request
37 to rescind, the juvenile must be detained in an adult section of a jail. The bill also provides
38 that a person may not be detained in a detention facility approved or operated by the
39 department exclusively for juveniles if the person attains 21 years of age.