

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 535

H.P. 354

House of Representatives, February 11, 2025

**An Act to Authorize Judicial Disposition of a Juvenile Adjudicated
of Murder or a Class A Crime to a Term of Commitment Extending
Beyond the Juvenile's 21st Birthday**

Reference to the Committee on Judiciary suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative FREDETTE of Newport.

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

2 **Sec. 1. 15 MRSA §3315, sub-§3, ¶A**, as enacted by PL 2021, c. 326, §12, is
3 amended to read:

4 A. A juvenile ~~who has not attained 21 years of age~~ must be represented by counsel at
5 this review.

6 **Sec. 2. 15 MRSA §3316, sub-§2-A** is enacted to read:

7 **2-A. Determinate disposition extending beyond 21st birthday.** Notwithstanding
8 subsection 2, the court may commit a juvenile to a Department of Corrections juvenile
9 correctional facility pursuant to section 3314, subsection 1, paragraph F for a period that
10 may extend beyond the juvenile's 21st birthday as long as the period does not extend
11 beyond the maximum allowed sentence of imprisonment for an adult convicted of similar
12 conduct if the conduct subject to the adjudication is conduct that, if committed by an adult,
13 would be defined as murder or a Class A crime by the Maine Criminal Code, or by any
14 other criminal statute outside that code. In deciding whether to commit a juvenile for a
15 period beyond the juvenile's 21st birthday, the court shall consider the following factors:

16 A. The severity and circumstances of the offense, including any aggravating factors,
17 use of weapons, degree of harm caused and vulnerability of the victim;

18 B. The juvenile's age at the time of the offense and evidence of maturity, impulse
19 control and mental development;

20 C. Evidence of the juvenile's capacity for reform, including past behavior, educational
21 achievements, participation in counseling or other rehabilitative programs and
22 willingness to change;

23 D. The juvenile's past criminal record, if any, and the pattern or escalation of criminal
24 behavior;

25 E. Statements or evidence regarding the harm or trauma experienced by the victims
26 and the community's interest in justice and safety; and

27 F. Findings from psychological assessments, particularly those evaluating the
28 juvenile's risk of reoffending and the potential for rehabilitation.

29 **Sec. 3. 15 MRSA §3317**, as amended by PL 2021, c. 326, §14, is further amended
30 to read:

31 **§3317. Disposition after return to Juvenile Court**

32 In instances of commitment of a juvenile to the Department of Health and Human
33 Services or a Department of Corrections juvenile correctional facility or when the juvenile
34 is under a specified period of probation, the Commissioner of Health and Human Services
35 or the commissioner's designee or the Commissioner of Corrections or the commissioner's
36 designee, or the juvenile following the disposition may for good cause petition the Juvenile
37 Court having original jurisdiction in the case for a judicial review of the disposition,
38 including extension of the period of commitment or period of probation. For a petition
39 initiated by the juvenile, the Department of Health and Human Services or the Department
40 of Corrections shall provide information including, but not limited to, the information in
41 reports required for periodic review pursuant to section 3315. In all cases in which the
42 juvenile is returned to a Juvenile Court, the Juvenile Court may make any of the

1 dispositions otherwise provided in section 3314; section 3316, subsection 2-A; and Title
2 34-A, section 3805, subsection 2. When reviewing a commitment to the Department of
3 Health and Human Services, the court shall consider efforts made by the Department of
4 Corrections and the Department of Health and Human Services to reunify the juvenile with
5 the juvenile's parents or custodians, shall make a finding regarding those efforts and shall
6 return custody of the juvenile to a parent or legal custodian if the return of the juvenile is
7 not contrary to the welfare of the juvenile. A petition for judicial review of a disposition
8 committing the juvenile to the Department of Health and Human Services must be served
9 on the parents at least 7 days prior to the hearing. Absent extraordinary circumstances, the
10 juvenile may file a petition no more than once every 180 days. A juvenile ~~who has not~~
11 ~~attained 21 years of age~~ must be represented by counsel at this review.

12 **Sec. 4. 15 MRSA §3319**, as amended by PL 2005, c. 507, §13, is further amended
13 to read:

14 **§3319. Designation of facility**

15 Immediately after the court orders detention or confinement in or commitment to a
16 juvenile facility, the court shall notify the Commissioner of Corrections or the
17 commissioner's designee and shall inquire as to the juvenile facility to which the juvenile
18 will be transported. The commissioner has complete discretion to make this determination.
19 The commissioner or the commissioner's designee shall immediately inform the court of
20 the location of the juvenile facility to which the juvenile will be transported. If the juvenile
21 has been committed to a Department of Corrections juvenile correctional facility beyond
22 the juvenile's 21st birthday under section 3316, subsection 2-A, the commissioner shall
23 direct the transfer of the juvenile to an adult correctional facility.

24 **SUMMARY**

25 This bill allows a court to impose a sentence that includes commitment beyond 21 years
26 of age for a juvenile adjudicated of murder or a Class A crime. The bill requires the court
27 to weigh a number of factors in determining whether to sentence a juvenile beyond the
28 juvenile's 21st birthday, including the severity and the circumstances of the offense, the age
29 and maturity of the juvenile, the rehabilitation potential of the juvenile, prior criminal
30 history, the impact on the victim and the victim's community and findings from
31 psychological assessments. The bill requires that a juvenile be represented by counsel at
32 periodic reviews regardless of age. The bill also directs the Commissioner of Corrections
33 to transfer the juvenile to an adult correctional facility at 21 years of age.