

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-142)
109TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 18, L.D. 35, Bill, "AN ACT to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances."

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

Sec. 1. 15 MRSA §3308, sub-§2, as enacted by PL 1977, c. 520, §1, is amended to read:

2. The Public. In the case of a hearing open to the general public under section 3307, the petition, the record of the hearing and the order of adjudication shall be open to public inspection. In all other cases, the petition and order of adjudication shall, upon adjudication of the commission of a juvenile crime, be open to public inspection unless the court finds it in the best interest of the juvenile, having regard to the nature and circumstances of the crime and the history, character and condition of the juvenile that these records be closed to inspection by the general public and enters an order to that effect. The court may not order such records closed to public inspection with respect to the 2nd or any subsequent adjudication of commission of a juvenile crime by the juvenile concerned.

Sec. 2. 15 MRSA §3308, sub-§4, as enacted by PL 1977, c. 520, §1, is amended to read:

4. Other persons. With the consent of the court, records of court proceedings not open to public inspection, excluding the names of the juvenile, his parents, guardian, legal custodian, his attorney or any other parties, may be inspected by persons having a legitimate interest in the proceedings or by persons conducting pertinent research studies.

Statement of Fact

1. Present Law: The present law makes juvenile hearings on murder and Class A, B and C crimes open to the public. Hearings on other charges of juvenile crime may also be open to the public if combined with a murder charge or a Class A, B or C charge and if the juvenile requests a single hearing on all charges. In all such cases the petition, record of hearing and order of adjudication are open to public inspection. In all other cases the general public is excluded from the hearing and may not inspect any pertinent court records. The court has no discretion to close any hearing or record made public by the Juvenile Code or to open any hearing that the Juvenile Code closes. The court does have discretion to allow inspection of court records that are not open to public inspection, i.e. Class D and E crimes, by "persons having a legitimate interest in

the proceedings or by persons conducting pertinent research studies but data identifying the juvenile must be excluded. This discretion does not extend to allowing inspection of any such record by the general public or allowing inspection of identifying data by anyone.

2. The amendment. This amendment would give the court discretion to allow public inspection of certain court records, namely the petition, and the order of adjudication, in juvenile cases involving Class D and E crimes and other minor offenses. The public would continue to be excluded from the hearing in such cases, since the court would not be in a position to decide whether the juvenile's name should be made public until the case has been heard. The petition and order of adjudication in such cases would be public unless the court decided it would be in the best interest of the juvenile to close these records. After a second, or subsequent, adjudication of guilt of a juvenile crime, the court would lose its power to close the records, although hearings would continue to be closed. This amendment would make no change in public hearings on Class A, B or C crimes, or in public access to court records in those cases.