

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1407

H. P. 1183

House of Representatives, March 19, 1981

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Hobbins of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Recommending Changes in the Maine Juvenile Code and Related Provisions.

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

Sec. 1. 1 MRSA § 2501, sub-§ 15, as enacted by PL 1979, c. 370, § 1, is amended to read:

15. Title 15.

A. Title 15, chapter 513 shall be repealed on September 30, ~~1981~~ 1982.

Sec. 2. 15 MRSA § 3203, sub-§ 4, ¶ B, last sentence, as enacted by PL 1979, c. 681, § 11, is amended to read:

Upon imposition of any condition of release described in subparagraph (2), (3) or (4), the intake worker shall **provide the juvenile with a copy of the condition imposed and inform the juvenile of the right to have the condition reviewed by the Juvenile Court pursuant to subsection 5-A and of the consequences applicable to violation of any condition.**

Sec. 3. 15 MRSA § 3203, sub-§ 4-A is enacted to read:

4-A. Violation of conditions of release. Upon an application for an arrest warrant setting forth probable cause to believe a juvenile has intentionally or knowingly violated a condition of his release, the Juvenile Court may issue a warrant for his arrest. A law enforcement officer having probable cause to

believe that a juvenile has violated a condition of his release in his presence may arrest the juvenile without a warrant.

Following the arrest of a juvenile for violation of a condition of his release, the law enforcement officer shall immediately notify the intake worker. The intake worker shall either direct the release of the juvenile with or without imposing different or additional conditions for release of the juvenile or shall revoke release and order the juvenile detained for reasons set forth in subsection 4, paragraph C.

If different or additional conditions of release are imposed, the juvenile may request the Juvenile Court to review the conditions pursuant to subsection 5-A. Such review of additional or different conditions shall include a hearing to determine whether the preponderance of the evidence indicates that the juvenile intentionally or knowingly violated a condition of release.

Sec. 4. 15 MRSA § 3301, sub-§ 5, ¶ B, sub-¶ (2) and (3), as enacted by PL 1977, c. 664, § 22, are amended to read:

(2) The facts establish prima facie jurisdiction, except that any admission made in connection with this informal adjustment cannot be used in evidence against the juvenile if a petition based on the same facts is later filed; and

(3) Written consent to the informal adjustment is obtained from the juvenile and his parents, guardian or legal custodian if the juvenile is not emancipated; and or

Sec. 5. 15 MRSA § 3301, sub-§ 5, ¶ B, sub-¶ (4), as enacted by PL 1977, c. 664, § 22, is repealed.

STATEMENT OF FACT

This bill contains amendments to the Maine Juvenile Code as recommended by the Committee to Monitor the Juvenile Code. The substance of the changes is indicated below.

Section 1 changes the sunset provision of the Committee to Monitor the Juvenile Code's enabling legislation. The change is necessitated by the fact that appointment of committee members did not occur until over a year after the effective date of the enabling Act, thereby delaying the committee's monitoring activities.

Sections 2 and 3 provide for a sanction for violation of a condition of release. Currently intake workers are reluctant to attach conditions to release because there exists no clear device for enforcing them.

Sections 4 and 5 repeal the current prohibition of informal adjustment in cases where there has been an adjudication or informal adjustment within the preceding 12 months. This provision results in the unwarranted petitioning of relatively minor offenses and its repeal would in no way affect the right of the prosecutor to overrule an intake worker's informal adjustment decision.