

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 1456

H.P. 1008

House of Representatives, May 3, 1985

Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Rioux of Biddeford.

STATE OF MAINE

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

AN ACT to Amend the Laws Concerning Immunity
so as to Address Juvenile Crime.

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

Sec. 1. 15 MRSA §1314-A, as enacted by PL 1967, c. 526, is amended to read:

§1314-A. Compelling evidence in criminal proceedings; immunity

In any criminal proceeding before a court or grand jury, or in any juvenile proceeding before a court, if a person refuses to answer questions or produce evidence of any kind on the ground that he may be incriminated thereby, and if the prosecuting attorney, in writing, and with the written approval of the Attorney General, requests the court to order that person to answer the questions or produce the evidence, and the court after notice to the witness and hearing shall so order, unless it finds to do so

1 would be clearly contrary to the public interest,
2 that person shall comply with the order. After com-
3 plying, and if, but for this section, he would have
4 had the right to withhold the answers given or the
5 evidence produced by him, that person shall not be
6 prosecuted or subjected to penalty ~~or~~, forfeiture or
7 adjudication for or on account of any transaction,
8 matter or thing concerning which, in accordance with
9 the order, he gave answer or produced evidence. Fail-
10 ure to answer questions or produce evidence as or-
11 dered by the court following notice and hearing shall
12 constitute contempt of court. He may nevertheless be
13 prosecuted or subjected to penalty ~~or~~, forfeiture or
14 adjudication for any perjury, false swearing or con-
15 tempt committed in answering, or failing to answer,
16 or in producing or failing to produce evidence, in
17 accordance with the order.

18 STATEMENT OF FACT

19 This bill makes it clear that, in circumstances
20 appropriate for an adult, a court may grant immunity
21 to a juvenile. As presently written, the section
22 would arguably allow a grant of immunity to a juve-
23 nile only when there exists a potential future risk
24 to the juvenile of being bound over to stand trial as
25 an adult.

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