

MAINE STATE LEGISLATURE

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L.D. 1493

(Filing No. S- 295)

STATE OF MAINE
SENATE
112TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 565, L.D. 1493, Bill, "AN ACT Amending the Maine Juvenile Code to Allow for Access to Records by Criminal Justice Agencies."

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

'15 MRSA §3308, sub-§7 is enacted to read:

7. Dissemination of information. The following provisions apply to the dissemination of information contained in the records of juvenile proceedings.

A. For purposes of this subsection the following terms have the following meanings.

(1) "Administration of criminal justice" has the same meaning as found in Title 16, section 611, subsection 1.

(2) "Administration of juvenile criminal justice" means detection, apprehension, detention, conditional or unconditional release, informal adjustment, initial appearance, bind over, adjudication or disposition of accused juveniles or juvenile criminal offenders. It includes juvenile crime identification activities and the collection, storage and dissemination of juvenile crime information.

(3) "Criminal justice agency" has the same meaning as found in Title 16, section 611, subsection 4.

COMMITTEE AMENDMENT " A " to S.P. 565, L.D. 1493

1 (4) "Dissemination" has the same meaning as
2 found in Title 16, section 611, subsection
3 6.

4 B. Nothing in this section precludes dissemina-
5 tion of any information contained in the records
6 of juvenile proceedings or other records de-
7 scribed in subsection 5 by one criminal justice
8 agency to another criminal justice agency for the
9 purpose of the administration of criminal jus-
10 tice, the administration of juvenile criminal
11 justice and for criminal justice agency employ-
12 ment, provided that:

13 (1) The person concerning whom the records
14 are sought has been convicted of a crime as
15 an adult;

16 (2) The person concerning whom the records
17 are sought has been adjudicated as having
18 committed a juvenile crime which, if commit-
19 ted by an adult, would be defined as a Class
20 A, B or C crime by Title 17-A, the Maine
21 Criminal Code, or by any other criminal
22 statute outside that code;

23 (3) The person concerning whom the records
24 are sought has been adjudicated as having
25 committed a juvenile crime with the use of a
26 dangerous weapon, as defined in Title 17-A,
27 section 2, subsection 9; or

28 (4) The person concerning whom the records
29 are sought has been adjudicated as having
30 committed 2 or more juvenile crimes which,
31 if committed by an adult, would be defined
32 as Class D or Class E crimes by Title 17-A,
33 the Maine Criminal Code, or by any other
34 criminal statute outside that code.'

D. OFR

COMMITTEE AMENDMENT "A " to S.P. 565, L.D. 1493

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STATEMENT OF FACT

2 The purpose of this amendment is to limit the
3 type of information concerning juveniles involved in
4 proceedings under the Maine Juvenile Code that can be
5 disseminated among law enforcement agencies. The pol-
6 icy of the Maine Juvenile Code is to keep records of
7 juvenile crimes confidential. Exceptions to this pol-
8 icy should be limited, even with regard to law en-
9 forcement agencies, to those situations where the ju-
10 venile has demonstrated serious or continued failure
11 to conform to the requirements of the law.

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Reported by Senator Chalmers for the Committee on Judiciary.
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