

	(New Draft of S.P. 790, L.D. 1983) (New Title) SECOND REGULAR SESSION
	ONE HUNDRED AND TWELFTH LEGISLATURE
Legis	ative Document No. 233
Judic: Matth	ported by Senator Carpenter of Aroostook from the Committee on ry and printed under Joint Rule 2. Original bill sponsored by Senator ws of Kennebec. Cosponsored by Senator Carpenter of Aroostook and entative Priest of Brunswick.
	JOY J. O'BRIEN, Secretary of the Senat
	STATE OF MAINE
	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-SIX
	N ACT to Clarify the Separation of Juveniles from Adults when Juveniles are Detained in County Jails.
Be i foll	enacted by the People of the State of Maine as ws:
	ec. 1. 15 MRSA §3314, sub-§1, ¶H, as amended by 983, c. 480, Pt. B, §19, is further amended to
:	. The court may commit the juvenile to the aine Youth Center and order that the sentence be uspended except for a period of detention which hall not exceed 30 days, which may be served intermittently as the court may order and which hall be ordered served in a county jail desig- ated by the Department of Corrections as a lace for the secure detention of juveniles, or n a nonsecure group care home or halfway house.

1 When the detention is ordered served in a county 2 jail, the juvenile may be detained only in that 3 part of the jail which meets the requirements of section 3203-A, subsection 7, paragraph A. The 4 5 court may order such a sentence to be served as a 6 part of and with a period of probation, which 7 shall be subject to such provisions of Title 8 17-A, section 1204 as the court may order and which shall be administered pursuant to Title 34, 9 10 chapter 121, subchapter V-A. Revocation of pro-11 bation shall be governed by the procedure con-12 tained in subsection 2.

 13
 Sec. 2.
 30
 MRSA §1121, sub-§4, as enacted by PL

 14
 1977, c.
 431, §15, is amended to read:

4. Detention. "Detention" means the confining of 15 16 a person an adult or juvenile held in lawful custody 17 in a specially constructed or modified facility designed to insure continued custody and control. De-18 19 tention may be confinement prior to trial or another 20 hearing by a court or to serve court imposed sen-21 tences or dispositions and may be in a jail or lock-22 up.

STATEMENT OF FACT

The purpose of this new draft is to make it clear that juveniles may never be detained in portions of county jails where the juveniles may come into regular contact with adult inmates.

23

28 Under current provisions of the Maine Juvenile 29 Code, it is clear that a juvenile, upon arrest, may 30 not be detained with adults in correctional facili-31 ties. The laws do not specifically state this prohi-32 bition with respect to juveniles who have been adju-33 dicated as having committed juvenile offenses. 1 This new draft amends the dispositional provi-2 sions of the Maine Juvenile Code and the county law 3 enforcement laws to clearly state that a juvenile in 4 any status in a county jail must be separated from 5 adults.

6

6905031886