

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1514

S.P. 497

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In Senate, May 11, 1987 Submitted by the Department of Corrections pursuant to Joint Rule 24.

Referred to the Committee on Judiciary and ordered printed. Sent down for Concurrence.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator PERKINS of Hancock. Cosponsored by Representative STANLEY of Cumberland Foreside, Representative TAYLOR of Camden.

STATE OF MAINE

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

AN ACT to Amend the Laws Governing Diagnostic Evaluations of Juveniles for Juvenile Court Proceedings.

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

Sec. 1. 15 MRSA §3309-A, sub-§§1 and 2, as repealed and replaced by PL 1985, c. 213, are amended to read:

1. Information to assist findings in bind-over. When the prosecutor has moved for a bind-over hearing pursuant to section 3101, subsection 4, or certifies in writing to the court that the results of such an evaluation are required in order to determine whether or not to so move; and

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2. Information needed to make a disposition. Following an order of adjudication pursuant to sec-tion 3310, subsection 5, paragraph A, for the pur-1 2 3 4 poses of making a disposition;-and. 5 Sec. 2. 15 MRSA §3309-A, sub-§3, as enacted by 6 PL 1985, c. 213, is repealed. 7 Sec. 3. 15 MRSA §3309-B is enacted to read: 8 §3309-B. Limitations on diagnostic evaluations in a 9 secure detention facility 10 The court shall not order a juvenile to undergo a 11 diagnostic evaluation at a secure detention facility unless the juvenile meets the requirements of section 12 3202-A, subsection 4, paragraphs C and D. 13 STATEMENT OF FACT 14 15 This bill repeals the provision of law which al-16 lows the Maine Juvenile Court to order a juvenile to 17 undergo a diagnostic evaluation, with the consent of the juvenile and the prosecuting attorney, prior to adjudication. Repeal of this provision is consistent with the original intent of the code, and provides 18 19 20 21 the juvenile with protection under the law. 22 This bill also requires that any placement by the

court of a juvenile in a juvenile detention facility
for the purpose of a diagnostic evaluation must meet
the purposes of and criteria for detention as well as
the purposes of the Maine Juvenile Code.

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