

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2337

S.P. 901 In Senate, February 23, 1988
Approved for Introduction by a Majority of the Legislative
Council pursuant to Joint Rule 26.

Reference to the Committee on Judiciary suggested and
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator BRANNIGAN of Cumberland.

Cosponsored by Representative PARADIS of Augusta.

STATE OF MAINE

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

AN ACT to Amend the Juvenile Code.

1
2

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

5 15 MRSA §3203-A, sub-§2-A, as enacted by PL 1987,
6 c. 367, is amended to read:

7 2-A. Questioning. When a juvenile is arrested,
8 unless the officer has a good-faith belief that a

1 parent or legal custodian of the juvenile may be
2 involved in criminal activity with the juvenile or to
3 which the juvenile may be a witness, no law
4 enforcement officer may question that juvenile until:

5 A. A legal custodian of the juvenile is notified
6 of the arrest and is present during the
7 questioning;

8 B. A legal custodian of the juvenile is notified
9 of the arrest and gives consent for the
10 questioning to proceed without the custodian's
11 presence; or

12 C. The law enforcement officer has made a
13 reasonable effort to contact the legal custodian
14 of the juvenile, cannot contact the custodian and
15 seeks to question the juvenile about continuing or
16 imminent criminal activity.

17 STATEMENT OF FACT

18 When the parent or legal custodian uses or
19 involves the juvenile in a criminal activity, neither
20 justice nor the child is served by inviting the adult
21 perpetrator to silence or intimidate the child. This
22 section makes an exception to the normal requirement
23 under those circumstances.

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