

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1145

H.P. 817

House of Representatives, April 12, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

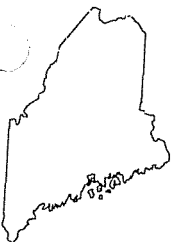
Presented by Representative O'GARA of Westbrook.

Cosponsored by Representative RIDLEY of Shapleigh and Senator TWITCHELL of Oxford.

STATE OF MAINE

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

An Act to Authorize the Detention in County Jails of Adults for
Offenses Committed as Juveniles.



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

3 **Sec. 1. 15 MRSA §3203-A, sub-§7, ¶A,** as amended by PL 1987, c.
5 398, §6, is further amended to read:

7 A. A juvenile may be detained in a jail or other security
9 facility intended for use or primarily used for the
11 detention of adults only when the serving facility:

13 (1) Contains a separate section for juveniles which
15 complies with mandatory separation standards
17 established by the Department of Corrections pursuant
19 to Title 34-A, section 1208;

21 (2) Provides for no regular contact between the
23 juveniles with the adult detainees or inmates; and

25 (3) Has an adequate staff to monitor and supervise the
27 juvenile's activities at all times.

29 Juveniles detained in adult serving facilities shall be
31 placed only in the separate juvenile sections which comply
33 with mandatory separation standards established by the
35 Department of Corrections pursuant to Title 34-A, section
37 1208, unless the court orders that the person be detained
39 with adults for any period of detention occurring after the
41 detainee has attained the age of 18 years.

43 **Sec. 2. 15 MRSA §3314, sub-§1, ¶H,** as amended by PL 1987, c.
45 297, is further amended to read:

47 H. The court may commit the juvenile to the Maine Youth
Center and order that the sentence be suspended or may
commit the juvenile for a period of detention which shall
not exceed 30 days, with or without an underlying suspended
sentence to the Maine Youth Center, which detention may be
served intermittently as the court may order and which shall
be ordered served in a county jail designated by the
Department of Corrections as a place for the secure
detention of juveniles, or in a nonsecure group care home or
halfway house. When the detention is ordered served in a
county jail, the juvenile may be detained only in that part
of the jail which meets the requirements of section 3203-A,
subsection 7, paragraph A, unless the court orders that the
person be housed with adults for that portion of the
detention served after the detainee has attained the age of
18 years. The court may order such a sentence to be served
as a part of and with a period of probation, which shall be

1 subject to such provisions of Title 17-A, section 1204 as the
2 court may order and which shall be administered pursuant to Title
3 34, chapter 121, subchapter V-A. Revocation of probation shall be
4 governed by the procedure contained in subsection 2.

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STATEMENT OF FACT

Under present law, a person detained in a county jail following a detention hearing or committed to jail as an order of disposition for an offense committed as a juvenile must be housed with juveniles, regardless of the person's age at the time of detention or thereafter. This bill amends the Maine Revised Statutes, Title 15, section 3203-A, subsection 7, paragraph A, and section 3314, section 1, paragraph H, to give the Juvenile Court the discretion to order the committed person to be housed with adults for any period of detention occurring after the detainee has reached 18 years of age. Unless the Juvenile Court expressly orders otherwise, however, the detainee will be kept in the juvenile section even after reaching 18 years of age.