

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 384

H.P. 264

House of Representatives, February 6, 1991

Submitted by the Department of the Attorney General pursuant to Joint Rule 24.
Reference to the Committee on Judiciary suggested and ordered printed.

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

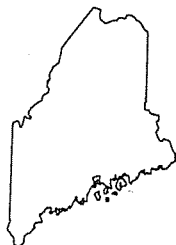
EDWIN H. PERT, Clerk

Presented by Representative KETTERER of Madison.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Amend the Juvenile Code Regarding Detention in Homicide
Cases.**



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

15 MRSA §3203-A, sub-§1, ¶C, as enacted by PL 1985, c. 439, §9, is amended to read:

C. In cases under Title 5, section 200-A, the law enforcement officer shall immediately notify the Department of the Attorney General. ~~The Attorney General or any of his deputies or assistants shall act as and shall possess all the powers and responsibilities of a~~ If the juvenile caseworker specified in this section determines not to order the detention or continued detention of the juvenile in a case under Title 5, section 200-A, the caseworker shall inform the law enforcement officer and the attorney for the State prior to the juvenile's release. The Attorney General or deputy or assistant attorney general, with or without a request from a law enforcement officer, shall consider the facts of the case and consult with the juvenile caseworker who made the initial determination and may order detention or continued detention of the juvenile under the same or any authorized conditions pending the juvenile's initial appearance before the court.

STATEMENT OF FACT

Under current law, the Attorney General has all the duties and responsibilities of the juvenile caseworker in homicide cases. This bill reserves to the Attorney General the right to order a juvenile charged with a homicide detained until the juvenile court makes the decision regarding the juvenile's release or detention. Under the Maine Revised Statutes, Title 15, section 3203-A, subsection 4, a petition must be filed within 24 hours of the decision to detain the juvenile. This bill returns to the juvenile caseworkers the balance of those duties and responsibilities.