

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2118

S.P. 822

In Senate, January 8, 1992

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.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

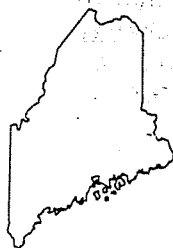
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec

STATE OF MAINE

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

An Act to Ensure Prompt Referral of Alleged Juvenile Offenders.



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

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

6 A. When, in the judgment of a law enforcement officer, Juvenile Court proceedings should be commenced against a
8 juvenile, but detention is not necessary, the law enforcement officer shall notify a juvenile caseworker as
10 soon as possible, but within 48 hours excluding nonjudicial days, after such a determination is made; ~~but if the juvenile has been arrested, the law enforcement officer shall notify the juvenile caseworker within 12 hours following the arrest.~~

16 **Sec. 2. 15 MRSA §3203-A, sub-§3**, as amended by PL 1991, c. 493, §4, is further amended to read:

18 **3. Law enforcement officer's report.** An officer who notifies a juvenile caseworker pursuant to subsection 1,
20 paragraph A or B shall, within 14 days of that notification, file a brief written report with the juvenile caseworker, stating the
22 juvenile's name, date of birth and address; the name and address of the juvenile's legal custodian; and the facts that led to the
24 notification, including the offense that the juvenile is alleged to have committed. The report must contain sufficient
26 information to establish the jurisdiction of the Juvenile Court.

28 ~~A report of a notification pursuant to subsection 1, must be filed within 24 hours of the notification, excluding nonjudicial days.~~

32 The date on which the report is received by the juvenile caseworker is the date of referral to the juvenile caseworker for
34 an intake assessment.

36 **Sec. 3. 15 MRSA §3303**, as amended by PL 1985, c. 439, §12, is further amended to read:

40 **§3303. Dismissal of petition with prejudice**

42 On motion made by or on behalf of a juvenile, or by the court itself, a petition shall must be dismissed with prejudice
44 if it was not filed within 6 months from the date the juvenile was referred to the juvenile caseworker for an intake assessment,
46 or if the law enforcement officer did not refer the juvenile for an intake assessment within 14 days after the initial contact with the juvenile, or after determining that proceedings should be commenced against the juvenile, or after the arrest, whichever came first, unless the prosecuting attorney either before or
48 after the expiration of the 6-month period files a motion for an
50

2 extension of time for the filing of a petition, accompanied by
the reasons for this extension. The court may for good cause
4 extend the time for bringing a petition for any period of time
that is less than the limitation established in section 3105
3105-A.

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STATEMENT OF FACT

10 Current law makes it clear that a juvenile caseworker must
adhere to reasonable time constraints in processing an alleged
12 juvenile offender. There is no similar clarity about the
responsibility of a law enforcement officer to notify and report
14 to the juvenile caseworker within a reasonable time following
completion of an investigation. This bill brings the law into
16 more consistent conformity with the intent of the original
drafters of the Maine Juvenile Code.

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