

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 982

S.P. 354

In Senate, March 23, 1995

An Act to Clarify Juvenile Detention.

Submitted by the Department of Corrections pursuant to Joint Rule 24.
Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script, reading "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator BEGLEY of Lincoln.
Cosponsored by Senators: ABROMSON of Cumberland, CAREY of Kennebec, FERGUSON of Oxford, HALL of Piscataquis, Representatives: CLUKEY of Houlton, McALEVEY of Waterboro.

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

Sec. 1. 15 MRSA §3203-A, sub-§7, ¶B-1, as amended by PL 1993, c. 354, §3, is further amended to read:

B-1. After December 31, 1991 and until ~~December 31, 1995~~ the Northern Maine Regional Juvenile Detention Facility begins operating, if the juvenile caseworker determines there is no acceptable alternative, a juvenile may be detained for up to 24 hours, excluding Saturday, Sunday and legal holidays, in a jail or other secure detention facility intended or primarily used for the detention of adults, if:

(1) The facility is not located in a standard metropolitan statistical area and meets the statutory criteria outlined in the federal Juvenile Justice Delinquency Act, Section 223(a)(14)(A), (B) and (C);

(2) The facility complies with mandatory sight and sound separation standards established by the Department of Corrections in accordance with Title 34-A, section 1208;

(3) The facility has adequate certified correctional staff to monitor and supervise the juvenile at all times during detention; and

(4) The juvenile is detained only to await a court hearing, a preliminary hearing pursuant to Title 17-A, section 1205, an entrustment violation hearing or transfer to another detention facility.

Sec. 2. 15 MRSA §3203-A, sub-§7, ¶B-2, as amended by PL 1993, c. 354, §4, is further amended to read:

B-2. Notwithstanding any other provision of law, until ~~September 30, 1993~~ the Northern Maine Regional Juvenile Detention Facility begins operating, a juvenile may be detained in a county jail, as long as the juvenile is detained in a separate juvenile section approved by the federal Office of Juvenile Justice and Delinquency Prevention and in compliance with paragraph A of ~~this subsection~~.

Sec. 3. 15 MRSA §3203-A, sub-§7, ¶B-3, as enacted by PL 1993, c. 238, §1, is repealed.

STATEMENT OF FACT

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This bill provides that juveniles may be detained in a separate juvenile section of a county jail approved by the federal Office of Juvenile Justice and Delinquency Prevention until such time as the Northern Maine Regional Juvenile Detention Facility becomes operational. The bill also removes a separate provision allowing Penobscot County Jail to house juveniles as the effect of this bill makes that authority unnecessary.