

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1174

H.P. 843

House of Representatives, April 4, 1995

An Act Regarding the Bind-over Procedure of Juveniles.

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 black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative WHEELER of Bridgewater.
Cosponsored by Senator: HALL of Piscataquis.

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

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Sec. 1. 15 MRSA §3101, sub-§4, ¶E, as repealed and replaced by PL 1979, c. 681, §5, is amended to read:

E. The Juvenile Court shall bind a juvenile over to the Superior Court if it finds:

(1) That there is probable cause to believe that a juvenile crime has been committed that would constitute murder or a Class A, Class B or Class C crime if the juvenile involved were an adult and that the juvenile to be bound over committed it; and

(2) By a preponderance of the evidence that, after a consideration of the seriousness of the crime, the characteristics of the juvenile and the dispositional alternatives available to the Juvenile Court, as specified in paragraph D, it is appropriate to prosecute the juvenile as if he the juvenile were an adult.

Notwithstanding subparagraphs (1) and (2), the Juvenile Court may bind a juvenile over to the Superior Court if that juvenile is charged with a juvenile crime that would constitute murder or manslaughter, other than vehicular manslaughter, or if the juvenile has been twice adjudicated as having committed a juvenile crime that, if committed by an adult, would be defined as a Class A, Class B or Class C crime by the Maine Criminal Code or by any other criminal statute outside the code and the petition alleges a 3rd such juvenile crime. The Juvenile Court shall hold a bind-over hearing in which the Juvenile Court shall consider the nature of the offenses, any previous record and the age and other relevant characteristics of the juvenile in determining whether the juvenile should be bound over.

STATEMENT OF FACT

This bill requires the Juvenile Court to hold a bind-over hearing on all juveniles charged with murder or manslaughter, other than vehicular manslaughter, and on all juveniles previously twice adjudicated on felony offenses and charged with a 3rd felony. The Juvenile Court may bind over a juvenile meeting this criteria, after consideration of the nature of the offense, any previous record and the age and other relevant characteristics of the juvenile.