

MAINE STATE LEGISLATURE

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L.D. 1262

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DATE: May 23, 1995

(Filing No. S-173)

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CRIMINAL JUSTICE

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Reported by: Senator HALL of Piscataquis for the Committee.

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Reproduced and distributed under the direction of the Secretary of the Senate.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

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COMMITTEE AMENDMENT "A" to S.P. 466, L.D. 1262, Bill, "An Act to Make Certain Changes to the Maine Juvenile Code"

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Amend the bill in section 1 by striking out all of paragraph B (page 1, lines 6 to 9 in L.D.) and inserting in its place the following:

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'B. Following the issuance of the order of adjudication, a dispositional hearing must be commenced. Upon motion of any interested party or on the court's own motion, the time for the commencement of the dispositional hearing may be increased to 2 weeks or, upon cause shown, for a longer period. Once commenced, the dispositional hearing may be continued one or more times for any of the reasons specified in section 3312, subsection 3 or, upon cause shown, for any other reason.'

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Further amend the bill in section 3 by striking out all of subsection 1 (page 1, lines 25 to 36 in L.D.) and inserting in its place the following:

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'1. Evidence of proper disposition. After making an order of adjudication, the court shall hear evidence on the question of the proper disposition best serving the interests of the juvenile and the public. ~~If not waived by the court, such~~ Such evidence shall ~~must~~ include, but is not necessarily be limited to, the social study and written report, if ordered prepared under section 3311, subsection 3, and other reports as provided in

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2 section 3311, subsection 1. Any person who would be entitled to
3 address the court pursuant to Title 17-A, section 1257 if the
4 conduct for which the juvenile has been adjudicated had been
5 committed by an adult, as provided in that section, must be
6 accorded notice of the dispositional hearing and the right to
7 address the court. The Maine Rules of Evidence shall do not
8 apply in dispositional hearings.'

10 Further amend the bill in section 4 by striking out all of
11 subsection 6 (page 1, lines 40 to 50 and page 2, lines 1 to 4 in
12 L.D.) and inserting in its place the following:

14 '6. Forfeiture of firearms. As part of every disposition
15 in every proceeding under this code, every firearm that
16 constitutes the basis for an adjudication for a juvenile crime
17 that, if committed by an adult, would constitute a violation of
18 section 393 or Title 17-A, section 1105, subsection 1, paragraph
19 C and every firearm used by the juvenile or any accomplice during
20 the course of conduct for which the juvenile has been adjudicated
21 to have committed a juvenile crime that would have been forfeited
22 pursuant to Title 17-A, section 1158 if the criminal conduct had
23 been committed by an adult must be forfeited to the State and the
24 juvenile court shall so order unless another person satisfies the
25 court prior to the dispositional hearing and by a preponderance
26 of the evidence that the other person had a right to possess the
27 firearm, to the exclusion of the juvenile, at the time of the
28 conduct that constitutes the juvenile crime. Rules adopted by
29 the Attorney General that govern the disposition of firearms
30 forfeited pursuant to Title 17-A, section 1158 govern forfeitures
31 under this subsection.'

34 STATEMENT OF FACT

36 This amendment clarifies the court's role in dispositional
37 hearings for juveniles. The amendment also clarifies when
38 firearms may be forfeited as part of the dispositional hearing
process.