

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1262

S.P. 466

In Senate, April 11, 1995

An Act to Make Certain Changes to the Maine Juvenile Code.

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator BENOIT of Franklin.

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

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4 **Sec. 1. 15 MRSA §3310, sub-§5, ¶B**, as enacted by PL 1977, c. 520, §1, is repealed and the following enacted in its place:

6 B. The court shall then hold the dispositional hearing. Upon motion of any interested party or on the court's own motion, the dispositional hearing may be continued for up to 2 weeks or, upon cause shown, for a longer period.

10 **Sec. 2. 15 MRSA §3311, sub-§3**, as amended by PL 1983, c. 480, Pt. B, §16, is further amended to read:

14 **3. Requirement for dispositional hearing.** Unless-waived If ordered by the court, the Department of Corrections shall make a social study and prepare a written report on every juvenile adjudicated as having committed a juvenile crime and shall present that report to the juvenile court prior to that juvenile's dispositional hearing. The person who prepared the report may be ordered to appear, as provided in subsection 1.

22 **Sec. 3. 15 MRSA §3312, sub-§1**, as amended by PL 1979, c. 681, §28, is further amended to read:

24 **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, any such evidence shall must include, but is not necessarily be limited to, the social study and other reports as provided in section 3311. Any person who would be entitled to address the court pursuant to Title 17-A, section 1257 if the conduct for which the juvenile has been adjudicated had been committed by an adult must be accorded notice of the dispositional hearing and the right to address the court. The Maine Rules of Evidence shall does not apply in dispositional hearings.

38 **Sec. 4. 15 MRSA §3314, sub-§6** is enacted to read:

40 **6. Forfeiture of firearms.** As part of every disposition in every proceeding under this code, every firearm used by the juvenile or any accomplice during the course of conduct for which the juvenile has been adjudicated to have committed a juvenile crime that would have been forfeited pursuant to Title 17-A, section 1158 if the criminal conduct had been committed by an adult, must be forfeited to the State and the juvenile court shall so order unless another person satisfies the court prior to the dispositional hearing and by a preponderance of the evidence that the other person had a right to possess the firearm, to the exclusion of the juvenile, at the time of the conduct that

2 constitutes the juvenile crime. Rules adopted by the Attorney
3 General that govern the disposition of firearms forfeited
4 pursuant to Title 17-A, section 1158 likewise govern forfeitures
5 under this subsection.

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8 **STATEMENT OF FACT**

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10 The bill modifies the Maine Juvenile Code in the following
11 ways.

12 1. The bill allows continuances of dispositional hearings
13 beyond 10 days for cause shown.

14 2. The bill requires reports by the Department of
15 Corrections only if the court orders them.

16 3. The bill gives victims of juvenile offenders the same
17 right to address the court at the dispositional hearings as
18 victims of adult offenders at the sentencing hearings.

19 4. The bill extends the forfeiture of firearms used in
20 certain crimes under the Maine Criminal Code to the forfeiture of
21 such firearms when used by juveniles for the same conduct.
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