

MAINE STATE LEGISLATURE

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11/18

L.D. 1694

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DATE: 3/11/96

(Filing No. H- 752)

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CRIMINAL JUSTICE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION**

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COMMITTEE AMENDMENT "A" to H.P. 1234, L.D. 1694, Bill, "An Act to Amend the Dispositional Alternatives for Juveniles Adjudicated to Have Committed Gross Sexual Assault upon 2 or More Child Victims"

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Amend the bill by striking out the title and substituting the following:

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'An Act Concerning Juveniles Who Have Been Adjudicated to Have Committed the Juvenile Crime of Gross Sexual Assault'

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Further amend by the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

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'Sec. 1. 15 MRSA §3308, sub-§7, ¶D is enacted to read:

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D. When a juvenile who is adjudicated of a juvenile crime that if committed by an adult would be gross sexual assault under Title 17-A, section 253, subsection 1 is committed to the Maine Youth Center or placed on probation, the Department of Corrections shall provide, while the juvenile is committed to the Maine Youth Center or on probation, a copy of the juvenile's judgment and commitment to the Department of Human Services, to all law enforcement agencies that have jurisdiction in those areas where the juvenile may reside, work or attend school and to the superintendent of any school system in which the juvenile attends school during the period of commitment or probation. The Department of Corrections may provide a copy of the juvenile's judgment and commitment to any other agency or person whom the Department of Corrections determines is appropriate to ensure public safety. Neither

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COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 1234, L.D. 1694

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the failure of the Department of Corrections to perform the requirements of this paragraph nor compliance with this paragraph subjects the Department of Corrections or its employees to liability in a civil action.

Sec. 2. 15 MRSA §3309-A, sub-§2, as repealed and replaced by PL 1985, c. 213, is amended to read:

2. **Information needed to make a disposition.** Following an order of adjudication pursuant to section 3310, subsection 5, paragraph A, for the purposes of making a disposition; and

Sec. 3. 15 MRSA §3309-A, sub-§3, as enacted by PL 1985, c. 213, is amended to read:

3. **By consent of the parties.** When the juvenile and the prosecuting attorney consent and the court finds that such an evaluation may be of assistance to it in carrying out the purposes of the Maine Juvenile Code; or

Sec. 4. 15 MRSA §3309-A, sub-§4 is enacted to read:

4. Juvenile adjudicated of gross sexual assault. After adjudication and before disposition when a juvenile is adjudicated of a juvenile crime that if committed by an adult would be gross sexual assault under Title 17-A, section 253, subsection 1, the court shall order the juvenile to undergo a diagnostic evaluation at the Maine Youth Center.

Sec. 5. 15 MRSA §3313, sub-§3 is enacted to read:

3. Statement of reasons accompanying disposition for juvenile adjudicated of murder or a Class A, Class B or Class C crime. In a disposition for a juvenile crime that if committed by an adult would be murder or a Class A, Class B or Class C crime, the court shall state on the record and in open court the court's reasons for ordering or not ordering placement of the juvenile in a secure institution.

Sec. 6. 15 MRSA §3314, sub-§1, ¶E, as enacted by PL 1977, c. 520, §1, is repealed and the following enacted in its place:

E. The court may require the juvenile to make restitution for any damage to the victim or other authorized claimant as compensation for economic loss upon reasonable conditions that the court determines appropriate. For the purposes of this paragraph, the definitions in Title 17-A, section 1322 and the provisions of Title 17-A, section 1324 apply.

COMMITTEE AMENDMENT "A" to H.P. 1234, L.D. 1694

5. Adds an effective date and a fiscal note.

COMMITTEE AMENDMENT