

	L.D. 1694
2	DATE: 3/11/96 (Filing No. H- 752)
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б	CRIMINAL JUSTICE
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10	Reproduced and distributed under the direction of the Clerk of the House.
12	STATE OF MAINE
14	HOUSE OF REPRESENTATIVES 117TH LEGISLATURE
16	SECOND REGULAR SESSION
18	COMMITTEE AMENDMENT "H" to H.P. 1234, L.D. 1694, Bill, "An
20	Act to Amend the Dispositional Alternatives for Juveniles Adjudicated to Have Committed Gross Sexual Assault upon 2 or More
22	Child Victims"
24	Amend the bill by striking out the title and substituting the following:
26	'An Act Concerning Juveniles Who Have Been Adjudicated to Have
28.	Committed the Juvenile Crime of Gross Sexual Assault'
30	Further amend by the bill by striking out everything after
32	the enacting clause and before the statement of fact and inserting in its place the following:
34	'Sec.1. 15 MRSA §3308, sub-§7, ¶D is enacted to read:
36	D. When a juvenile who is adjudicated of a juvenile crime that if committed by an adult would be gross sexual assault
38	under Title 17-A, section 253, subsection 1 is committed to the Maine Youth Center or placed on probation, the
40	Department of Corrections shall provide, while the juvenile is committed to the Maine Youth Center or on probation, a
42	copy of the juvenile's judgment and commitment to the Department of Human Services, to all law enforcement
44	agencies that have jurisdiction in those areas where the juvenile may reside, work or attend school and to the
46	superintendent of any school system in which the juvenile attends school during the period of commitment or
48	probation. The Department of Corrections may provide a copy of the juvenile's judgment and commitment to any other
50	agency or person whom the Department of Corrections determines is appropriate to ensure public safety. Neither

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the failure of the Department of Corrections to perform the 2 requirements of this paragraph nor compliance with this paragraph subjects the Department of Corrections or its employees to liability in a civil action. 4 Sec. 2. 15 MRSA §3309-A, sub-§2, as repealed and replaced by 6 PL 1985, c. 213, is amended to read: 8 Information needed to make a disposition. Following an 2. 10 order of adjudication pursuant to section 3310, subsection 5, paragraph A, for the purposes of making a disposition; and 12 Sec. 3. 15 MRSA §3309-A, sub-§3, as enacted by PL 1985, c. 213, is amended to read: 1416 3. By consent of the parties. When the juvenile and the prosecuting attorney consent and the court finds that such an 18 evaluation may be of assistance to it in carrying out the purposes of the Maine Juvenile Code. ; or 20 Sec. 4. 15 MRSA §3309-A, sub-§4 is enacted to read: 22 4. Juvenile adjudicated of gross sexual assault. After adjudication and before disposition when a juvenile is 24 adjudicated of a juvenile crime that if committed by an adult would be gross sexual assault under Title 17-A, section 253, 26 subsection 1, the court shall order the juvenile to undergo a diagnostic evaluation at the Maine Youth Center. 28 Sec. 5. 15 MRSA §3313, sub-§3 is enacted to read: 30 32 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 34 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 36 court's reasons for ordering or not ordering placement of the juvenile in a secure institution. 38 Sec. 6. 15 MRSA §3314, sub-§1, ¶E, as enacted by PL 1977, c. 40 520, $\S1$, is repealed and the following enacted in its place: 42 E. The court may require the juvenile to make restitution for any damage to the victim or other authorized claimant as 44 compensation for economic loss upon reasonable conditions that the court determines appropriate. For the purposes of 46 this paragraph, the definitions in Title 17-A, section 1322 and the provisions of Title 17-A, section 1324 apply. 48

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Sec. 7. Effective date. Sections 2 to 4 of this Act take effect January 1, 1997.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

The Department of Corrections will require additional General Fund appropriations beginning in fiscal year 1996-97 to provide the required diagnostic evaluations. The annual amounts required are estimated to range from approximately \$30,000 to \$200,000 in fiscal year 1996-97 with the full year costs estimated at \$66,000 to \$435,000. The exact amounts that will be required will depend on the number of required evaluations and the amount of non-General Fund money that may be available to offset these total projected costs.'

STATEMENT OF FACT

22 This amendment replaces the bill. The amendment does the following:

Requires a juvenile adjudicated of an offense that if
 committed by an adult would be gross sexual assault under the
 Maine Revised Statutes, Title 17-A, section 253, subsection 1 to
 undergo a diagnostic evaluation at the Maine Youth Center before
 the court enters its disposition. This provision takes effect
 January 1, 1997;

Requires a court in a disposition of a juvenile adjudicated of an offense that if committed by an adult would be murder or a Class A, Class B or Class C crime to state on the record and in the presence of the public, including victims and the family of victims who are present at the hearing, the court's reasons for ordering or not ordering the juvenile's commitment to a secure institution;

3. Clarifies that the restitution that a court may order a juvenile offender to pay includes costs for counseling or
rehabilitative care that victims must undergo as a result of the offense for which the juvenile is adjudicated;

4. Requires the Department of Corrections to give notice of
the commitment to its jurisdiction of a juvenile who is adjudicated of committing gross sexual assault to the Department
of Human Services, to local law enforcement agencies and to the superintendent of the school system in which the juvenile attends
school; and

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5. Adds an effective date and a fiscal note.

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