

MAINE STATE LEGISLATURE

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L.D. 504

DATE: *May 16, 1997*

(Filing No. S-249)

CRIMINAL JUSTICE

Reported by: *Senator Murray*

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STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "*A*" to S.P. 175, L.D. 504, Bill, "An Act to Amend Certain Provisions Dealing with the Subjects of Juvenile Petition, Adjudication and Disposition"

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

'An Act to Amend Certain Provisions Dealing with Juvenile Summonses'

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

'Sec. 1. 15 MRSA §3301, sub-§5, ¶C, as amended by PL 1985, c. 439, §11, is further amended to read:

C. If the juvenile caseworker determines that the facts are sufficient for the filing of a petition, he the juvenile caseworker may request the prosecuting attorney to file a petition. If this alternative is chosen, the juvenile caseworker shall issue and may serve a summons in accordance with section 3304. If the juvenile caseworker does not make service before requesting the prosecuting attorney to file a petition, the juvenile caseworker shall request a law enforcement officer to serve the summons in accordance with section 3304.

Sec. 2. 15 MRSA §3304, sub-§1, as enacted by PL 1977, c. 520, §1, is amended to read:

1. Issuance and contents. ~~After a petition has been filed, the court shall promptly issue a summons.~~ The summons shall

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~~briefly recite the substance of the petition~~ issued by the juvenile caseworker must include the signature of the juvenile caseworker, a brief description of the alleged juvenile crime, the time and place of the alleged juvenile crime and the time and place the juvenile is to appear in court. The summons shall must also include a statement of the constitutional rights of the juvenile, including the right to have an attorney present at the hearing on the petition and to have an attorney appointed, if indigent.

Sec. 3. 15 MRSA §3304, sub-§3, as amended by PL 1989, c. 741, §12, is further amended to read:

3. Service. The summons must be directed to and served, pursuant to Rule 4 (c)(4) of the Maine Rules of Criminal Procedure, upon the following persons:

A. The juvenile; and

B. The juvenile's parents, guardian or legal custodian, if the juvenile is not emancipated. Service upon a parent, guardian or legal custodian who is out of state may be by a reasonable method ordered by the court.

Sec. 4. 15 MRSA §3304, sub-§4, as enacted by PL 1977, c. 520, §1, is amended to read:

4. Service at least 48 hours before appearance demanded. The summons shall must require the person on whom it is served to appear for a hearing at a the time and place specified. The time shall may not be less than 2-days 48 hours after service of the summons. If the juvenile is not detained by an order of the court, the summons shall-required must require the custodian to produce the juvenile at that time and place. ~~A copy of the petition shall be attached to the summons.~~

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

The additional workload and related costs incurred by the Department of Corrections, if juvenile caseworkers choose to implement this new summons authority, can be absorbed by the department utilizing existing budgeted resources.'

SUMMARY

The amendment replaces the bill. The amendment states that

COMMITTEE AMENDMENT "A" to S.P. 175, L.D. 504

2 if a juvenile caseworker decides to request the prosecuting
attorney to file a petition against a juvenile, the juvenile
caseworker must issue and may serve a juvenile summons. If the
4 caseworker does not serve the summons in accordance with the
Maine Revised Statutes, Title 15, section 3304 before requesting
6 the prosecuting attorney to file a petition, the caseworker is
required to request a law enforcement officer to make service.
8 The amendment also specifies that the summons must include the
information required in a summons for an adult crime under Title
10 17-A, section 15-A. Finally, it specifies that the method of
service is that required by Rule 4(c)(4) of the Maine Rules of
12 Criminal Procedure. The amendment also adds a fiscal note to the
bill.