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L.D. 521

(Filing No. H- 379)

CRIMINAL JUSTICE

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STATE OF MAINE HOUSE OF REPRESENTATIVES 118TH LEGISLATURE FIRST SPECIAL SESSION

18 COMMITTEE AMENDMENT "H" to H.P. 376, L.D. 521, Bill, "An 20 Act to Encourage Collaboration and Cooperation among Agencies in the Interests of Juveniles within the Juvenile Court System" 22

Amend the bill by striking out everything after the enacting 24 clause and before the summary and inserting in its place the following:

'Sec. 1. 15 MRSA §3308, sub-§7, ¶B, as amended by PL 1993, c. 354, §6, is further amended to read:

B. Nothing in this section precludes dissemination of any information contained in the records of juvenile court
proceedings or other records described in subsection 5 by one criminal justice agency to another criminal justice
agency for the purpose of the administration of criminal justice, the administration of juvenile criminal justice and for criminal justice agency employment, as long as:

38 (1) The person concerning whom the records are sought has been convicted of a crime as an adult;

(2) The person concerning whom the records are sought
has been adjudicated as having committed a juvenile
crime that, if committed by an adult, would be defined
as a Class A, B or C crime by Title 17-A, the Maine
Criminal Code, or by any other criminal statute outside
that code;

48 (3) The person concerning whom the records are sought has been adjudicated as having committed a juvenile
50 crime with the use of a dangerous weapon, as defined in Title 17-A, section 2, subsection 9;

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2 (4)The person concerning whom the records are sought has been adjudicated as having committed 2 or more juvenile crimes that, if committed by an adult, would 4 be defined as Class D or Class E crimes by Title 17-A, the Maine Criminal Code, or by any other criminal б statute outside that code; or 8 The person seeking the records is the prosecuting (5) attorney in any proceeding and the person concerning 10 whom the records are sought is a defendant in that 12 proceeding. Sec. 2. 15 MRSA §3308, sub-§7, ¶B-1 is enacted to read: 14 16 B-1. Nothing in this section precludes dissemination of any information in the records of court proceedings and in the 18 other records described in subsection 5, if: (1) The juvenile has been adjudicated as having 20 committed a juvenile crime; 22 (2) The information is disseminated by and to persons 24 who directly supervise or report on the health, behavior or progress of the juvenile, the superintendent of the juvenile's school and 26 the superintendent's designees, criminal justice agencies 28 or agencies that are or might become responsible for the health or welfare of the juvenile as a result of a 30 court order or by agreement with the Department of Corrections or the Department of Human Services; and 32 (3) The information is relevant to and disseminated for the purpose of creating or maintaining an 34 individualized plan for the juvenile's rehabilitation. 36 Any information received under this paragraph is 38 confidential and may not be further disseminated, except as otherwise provided by law. 40 Sec. 3. 34-A MRSA §3003, sub-§1, ¶D, as amended by PL 1995, c. 42 368, Pt. R, §9, is further amended to read: D. To any criminal justice agency if necessary to carry out 44 the administration of criminal justice, the administration 46 of juvenile criminal justice or for criminal justice agency employment; and 48

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Sec. 4. 34-A MRSA §3003, sub-§1, ¶E, as amended by PL 1995, c. 368, Pt. R, §10, is further amended to read:

E. To persons engaged in research if:

approved by the commissioner;

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(2) The disclosure is approved by the commissioner; and

The research plan is first submitted to and

(3) Neither original records nor identifying data are removed from the facility or office that prepared the records.

The commissioner and the person doing the research shall preserve the anonymity of the person receiving services from the department and may not disseminate data that refer to that person by name, number or in any other way that might lead to the person's identification; and

Sec. 5. 34-A MRSA §3003, sub-§1, ¶F is enacted to read:

F. To persons who directly supervise or report on the health, behavior or progress of a juvenile, to the superintendent of a juvenile's school and the superintendent's designees and to agencies that are or might become responsible for the health or welfare of a juvenile, if the information is relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation.'

SUMMARY

This amendment states that confidential information regarding juveniles may only be disseminated if the juvenile has 36 been adjudicated of a juvenile crime. It clarifies that for 38 educational agencies, only the superintendent of the juvenile's and the superintendent's designees school receive may the 40 confidential information. It also makes some technical changes for uniformity and clarity.

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