



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1312

H.P. 949

House of Representatives, March 4, 1997

An Act to Strengthen Parental Responsibility for Juveniles.

Reference to the Committee on Criminal Justice suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative LINDAHL of Northport. Cosponsored by Representatives: BROOKS of Winterport, WHEELER of Eliot, Senators: LONGLEY of Waldo, O'GARA of Cumberland.

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

Sec. 1. 15 MRSA §3314, sub-§5, as enacted by PL 1987, c. 400, 4 §3, is amended to read:

5. Support orders. Whenever the court commits a juvenile to the Department of Human Services, to the Department of
8 Corrections or to a relative or other person, the court may order either or both parents of the juvenile to pay a reasonable amount
10 of support for the juvenile. A-parent-may-not-be-required-to-pay support-for-a-juvenile-during-any-period-when-the-juvenile
12 resides-in-the-Maine-Youth-Genter-or-a-county-jail.

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Sec. 2. 15 MRSA §3314, sub-§7 is enacted to read:

 16 7. Disposition for violation of Title 17-A, sections 805 and 806. When a juvenile has been adjudicated of having
 18 committed a violation of Title 17-A, section 805 or 806, the court shall enter a dispositional order containing one or more of
 20 the following alternatives.

- A. The court, when appropriate, may order a juvenile who is found to have committed criminal mischief on private
 property to write a formal apology to the victim or victims of the criminal mischief.
- B. The court, when appropriate, may order a juvenile who is
 found to have committed criminal mischief on public property
 to write a report on the history and significance of that
 property to the community or on another topic, as determined
 by the court.

C. The court, when appropriate, may order a juvenile who is found to have committed criminal mischief to contribute to the restoration of the property or to the restitution to the victim or victims of the criminal mischief by payment in money, by property repairs, by service to the injured party, or by service to the community.

40 D. Notwithstanding any other provision of this part or Title 14, the court may order the parent of a juvenile found
42 to have committed criminal mischief to submit restitution to the victim or victims by payment in money if the juvenile is
44 in the custody of and residing with that parent and if the court finds that the criminal mischief was a direct result
46 of the parent's having neglected to exercise reasonable supervision and control of the juvenile's conduct. For the
48 purposes of this section, liability for compensation is limited to \$10,000.

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E. If the person violates the court's order to submit restitution under this section, that person is guilty of contempt.

F. The court may permit payments under this section to be made in installments, for up to 7 years, to be administered
 by the court.

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Sec. 3. 15 MRSA §§3319 and 3320 are enacted to read:

12 §3319. Intentional contribution to delinquency

14 Any person, including but not limited to a parent, guardian or other person having custody or control of a juvenile, who 16 knowingly encourages, aids, causes, abets or connives at, or has knowingly or willfully done any act to produce, promote or contribute to the commission of a juvenile crime by a juvenile is 18 guilty of a Class E crime. The court may release that person on probation, subject to any orders it makes concerning future 20 conduct tending to produce or contribute to the commission of 22 juvenile crimes, or the court may suspend sentence, or before trial, with that person's consent, the court may allow the person to enter into a recognizance, in a sum the court may fix, 24 conditioned for the promotion of the future welfare of the juvenile, and the case may be placed on file. 26

28 §3320. Procedure

30 If any juvenile is found more than once to have committed a juvenile crime as provided in section 3103, the court, upon 32 complaint of an attorney for the state, or upon its own motion, may issue a warrant commanding any parent, guardian or other 34 person having custody or control of the juvenile found to have committed more than one juvenile crime to be brought before the 36 same court in which the juvenile was found to have committed a second or subsequent juvenile crime.

SUMMARY

42 The bill amends the Juvenile Code to allow a juvenile court to order a parent to pay support for a juvenile residing in the 44 Maine Youth Center or a county jail. It further allows the court to order a juvenile found to have committed criminal mischief to 46 write a formal apology to the victim, to write a report concerning the public property damage and to contribute in a 48 variety of ways to the restoration of the property damaged or to restitution to the victim.

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2 This bill further allows the court to order a parent of a juvenile found to have committed criminal mischief to submit 4 restitution up to \$10,000 to the victim if the juvenile is in the custody of and residing with the parent and if the court finds 6 that the criminal mischief was a direct result of the parent's failure to reasonably supervise and control the juvenile's 8 conduct.

10 The bill also provides that a parent or person who knowingly contributes to the commission of a juvenile crime is guilty of a 12 Class E crime, for which such a person may be released on probation or otherwise subject to conditions. It allows the 14 court to issue a warrant commanding the appearance of a parent, guardian or other person having custody or control of a juvenile 16 found to have committed more than one juvenile crime.

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