

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

Reported by: *Majority*

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STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 570, L.D. 1727, Bill, "An Act to Establish and Implement Restorative Justice"

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

'An Act to Establish and Implement a Pilot Program for Restorative Justice'

Further amend the bill in Part A in section 1 in that part designated "§3204." by striking out all of the first paragraph (page 1, lines 10 to 14 in L.D.) and inserting in its place the following:

~~'No-statements~~ Statements of a juvenile made to a juvenile caseworker during the course of a preliminary investigation ~~or made to a community resolution team~~ under section 3301 ~~may-be are~~ not admissible in evidence at an adjudicatory hearing against that juvenile if a petition based on the same facts is later filed.'

Further amend the bill in Part A in section 3 by striking out all of subsection 5-A (page 2, lines 1 to 15 in L.D.) and inserting in its place the following:

'5-A. Community resolution teams. In accordance with policy and procedures established by the Department of Corrections, the juvenile caseworker may establish a community resolution team after completing the preliminary investigation.

A. Team participants may include the team facilitator; the juvenile caseworker; the juvenile; the juvenile's parents, guardian or legal custodian; the complainant; the victim; a

COMMITTEE AMENDMENT "A" to S.P. 570, L.D. 1727

2 person designated by the victim; the law enforcement officer
3 who notified the juvenile caseworker; and any other person
4 who the juvenile caseworker determines is appropriate.

6 B. The community resolution team may agree to effect an
7 informal adjustment or recommend to the juvenile caseworker
8 one of the alternatives in subsection 5. If the team makes
9 a recommendation, the juvenile caseworker shall consider the
10 recommendation and decide which alternative to choose.

12 C. The Department of Corrections shall report on the
13 progress of the community resolution teams to the joint
14 standing committee of the Legislature having jurisdiction
15 over criminal justice matters no later than January 1st
16 annually.

18 D. The Department of Corrections shall make a final report
19 on the effectiveness of community resolution teams to the
20 joint standing committee of the Legislature having
21 jurisdiction over criminal justice matters no later than
22 March 1, 1999. Victims, the law enforcement community,
23 prosecuting attorneys, defense attorneys and other parties
24 that have been involved in community resolution teams may
25 also address the committee at the time the Department of
26 Corrections makes its final report.

28 E. This subsection is repealed May 1, 1999.'

30 Further amend the bill Part B in section 2 in that part
31 designated "§1204-A." in subsection 1 by striking out all of
32 paragraphs B and C (page 4, lines 31 to 35 in L.D.) and
inserting in their place the following:

34 'B. The person has not been convicted of a crime under
35 chapter 11 or a crime of domestic violence;

36 C. The Department of Corrections recommends that appearance
37 before the board be required; and

38 D. The court finds no circumstance that makes appearance
39 inappropriate.'

42 Further amend the bill in Part B in section 2 in that part
43 designated "§1204-A." by inserting at the end the following:

44 '6. This section is repealed May 1, 1999.'

46 Further amend the bill in Part B by striking out all of
47 section 3 and inserting in its place the following"

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COMMITTEE AMENDMENT

Sec. B-3. 34-A MRSA §5811 is enacted to read:

§5811. Community reparations boards

1. Reparations boards authorized. The department may establish community reparations boards to exercise the powers set out in Title 17-A, section 1204-A.

2. Members. Members of the boards must be residents of the community or communities encompassed within the geographical areas served by the boards. The commissioner shall appoint members after conferring with officials within the geographical areas served by the boards, including district attorneys and officials from other law enforcement agencies. Board members serve without compensation and at the pleasure of the commissioner.

3. Meetings. Meetings of the boards must be conducted in accordance with policy and guidelines established by the department.

4. Deliberations. Meetings of the boards must be open to the public except as provided in subsection 5 and except that the deliberations of the boards as to the appropriate requirements to impose on persons appearing before them must be conducted in executive sessions from which all persons except board members are excluded. The requirements imposed, however, must be announced in meetings open to the public.

5. Confidentiality. Intake reports submitted to the boards are confidential. Information contained in intake reports or otherwise provided to the boards that is made confidential by law may not be disclosed in meetings of the boards open to the public or be otherwise disclosed except in accordance with the governing law.

6. Reporting. The department shall report on the progress of the community reparations boards to the joint standing committee of the Legislature having jurisdiction over criminal justice matters no later than January 1st of every year. The department shall make a final report on the effectiveness of community reparations boards to the joint standing committee of the Legislature having jurisdiction over criminal justice matters no later than March 1, 1999. Victims, the law enforcement community, prosecuting attorneys, defense attorneys and other parties that have been involved in community reparations boards may also address the committee at the time the department makes its final report.

2 7. Funding. Community reparations boards may not be
established until federal funding or other special revenue is
secured.

4 8. Repealed. This section is repealed May 1, 1999.

6 **Sec. B-4. Allocation.** The following funds are allocated from
8 Other Special Revenue to carry out the purposes of this Act.

10 1997-98 1998-99

12 **CORRECTIONS, DEPARTMENT OF**

14 **Administration - Corrections**

16 All Other \$500 \$500

18 Provides allocations to
20 authorize the expenditure of
funds for community
22 reparation boards in the
event that outside funding
becomes available.'

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

28 **FISCAL NOTE**

30 1997-98 1998-99

32 **APPROPRIATIONS/ALLOCATIONS**

34 Other Funds \$500 \$500

36 The Department of Corrections will incur additional costs to
38 establish community reparation boards, if federal funds or other
special revenue is received to support these additional costs.
40 This bill includes Other Special Revenue allocations of \$500,
annually, in fiscal years 1997-98 and 1998-99 as base allocations
42 to authorize the expenditure of these revenues.

44 The Department of Corrections will also incur minor
46 additional costs associated with establishing community
resolution teams on a pilot basis and additional reporting
48 requirements. These costs can be absorbed by the department
utilizing existing budgeted resources.'

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SUMMARY

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This amendment is the majority report of the committee. It does several things.

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1. It limits restorative justice to a pilot program that does not extend past May 1, 1999.

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2. It changes the name of the restorative justice boards for juveniles from "family group conferences" to "community resolution teams."

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3. It states that community reparations boards may not be established until federal funding or other special revenue is secured.

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4. It specifically excludes persons who have been convicted of a sexual assault or of a crime of domestic violence from participating in community reparations boards.

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5. It requires the Commissioner of Corrections to confer with local officials when appointing members of community reparations boards.

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6. It requires the Department of Corrections to report on the progress of both the community resolution teams and the community reparations boards to the joint standing committee having jurisdiction over criminal justice matters by January 1st of every year.

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7. It requires the Department of Corrections to make a final report on the effectiveness of both community resolution teams and community reparations boards to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by March 1, 1999. Victims, the law enforcement community, attorneys and other parties that have been involved in the programs may also address the committee at that time.

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8. It adds an allocation and a fiscal note to the bill.