



## **119th MAINE LEGISLATURE**

## **FIRST REGULAR SESSION-1999**

Legislative Document

No. 1936

S.P. 690

In Senate, March 18, 1999

## An Act to Modify the Juvenile Code with Regard to the Service of Juvenile Summonses.

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

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JOY J. O'BRIEN Secretary of the Senate

Presented by Senator HARRIMAN of Cumberland.

|      | it enacted by the People of the State of Maine as follows:   |
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| 2    | Sec. 1. 15 MRSA §3301, sub-§5, ¶B, as amended by PL 1997, c.   |
| 4 42 | 1, Pt. A, §2, is further amended to read:  |
| 6    | B. Make whatever informal adjustment is practicable without a petition. The juvenile caseworker may effect whatever            |
| 8    | informal adjustment is agreed to by the juvenile and the   |
| 10   | juvenile's parents, guardian or legal custodian if the juvenile is not emancipated, including a restitution                    |
| 12   | contract with the victim of the crime and the performance of community service. Informal adjustments may extend no longer      |
| 14   | than 6 months and may not be commenced unless:   |
| 16   | (1) The juvenile caseworker determines that the juvenile and the juvenile's parents, guardian or legal                         |
| 18   | custodian, if the juvenile is not emancipated, were<br>advised of their constitutional rights, including the                   |
| 20   | right to an adjudicatory hearing, the right to be<br>represented by counsel and the right to have counsel                      |
|      | appointed by the court if indigent;  |
| 22   | (2) The facts establish prima facie jurisdiction,  |
| 24   | except that any admission made in connection with this informal adjustment may not be used in evidence against                 |
| 26   | the juvenile if a petition based on the same facts is later filed; and   |
| 28   | (3) Written consent to the informal adjustment is  |
| 30   | obtained from the juvenile and the juvenile's parents,<br>guardian or legal custodian if the juvenile is not                   |
| 32   | emancipated; er  |
| 34   | Sec. 2. 15 MRSA §3301, sub-§5, ¶C, as amended by PL 1997, c.<br>0, §1, is further amended to read:                             |
| 36   | C. If the juvenile caseworker determines that the facts are  |
| 38   | sufficient for the filing of a petition, the juvenile<br>caseworker may shall request the prosecuting attorney to              |
| 40   | file a petition If this alternative is chosen the  |
| 42   | juvenile-caseworker-shall-issue-and-may-serve-a-summons-in<br>accordance-with-section3304,Ifthe-juvenile-caseworker            |
| 44   | dees <del>netmake-service-before-requesting-</del> -thepresecuting<br>atterney-to-file-a-petitionthe-juvenile-caseworker-shall |
| 46   | request-a-law-enforcement-officer-to-serve-the-summons-in<br>accordance-with-section-3304, <u>; or</u>                         |
| 48   | Sec. 3. 15 MRSA §3301, sub-§5, ¶D is enacted to read:  |

D. If the juvenile caseworker makes a determination pursuant to paragraph A or B, the caseworker shall notify the juvenile and the juvenile's parents, guardian or legal custodian at least 2 weeks prior to the date for which they are summonsed.

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Sec. 4. 15 MRSA §3304, sub-§1, as amended by PL 1997, c. 350, 8 §2, is further amended to read:

Issuance and contents. 10 1. The summons issued by the juvenile-easewerker police officer must include the signature of 12 the juvenile-caseworker police officer, a brief description of the alleged juvenile crime, the time and place of the alleged 14 juvenile crime and the time and place the juvenile is to appear in court. The summons must also include a statement of the 16 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. The summons must also 18 include a notice that the case may be informally adjusted by a 20 juvenile caseworker.

Sec. 5. 15 MRSA §3304, sub-§3, as amended by PL 1997, c. 350, §3, is repealed and the following enacted in its place:

3. Service. The summons must be directed to and served upon the juvenile and the juvenile's parents, guardian or legal custodian if the juvenile is not emancipated. The summons must be served in hand or by leaving it at the juvenile's and parents', guardian's or legal custodian's dwelling house or usual place of abode with a person of suitable age and discretion residing in that house or by mailing it to the last known address of the juvenile. A copy of the summons must be mailed to the juvenile caseworker and the district attorney.

## **SUMMARY**

38 This bill allows police officers to summons a juvenile to court at the time of the juvenile's arrest. This bill also codifies the requirements of the Maine Rules of Criminal Procedure regarding the manner of service of summons.