

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 661, L.D. 884, Bill, "An Act To Expand the Definition of "Juvenile Crime" To Include the Offenses of Possession and Use of Drug Paraphernalia, Illegal Transportation of Alcohol by a Minor and Transportation of Illegal Drugs by a Minor"

Amend the bill by striking out all of section 3 (page 1, lines 29 to 36 in L.D.)

Further amend the bill in section 4 by striking out all of paragraph G (page 1, line 41 in L.D.) and inserting in its place the following:

'G. A violation of section 393, subsection 1, paragraph C or section 393, subsection 1-A.'

Further amend the bill by striking out all of sections 5, 6 and 7 and inserting in their place the following:

'Sec. 5. 15 MRSA §3201, sub-§1, as amended by PL 1987, c. 277, §2, is further amended to read:

1. Warrantless arrests. Arrests without warrants of juveniles for juvenile crimes defined by section 3103, subsection 1, paragraphs A, D, E and F and G by law enforcement officers or private persons shall be made pursuant to the provisions of Title 17-A, sections 15 and 16. For purposes of this section, a juvenile crime defined under section 3103, subsection 1, paragraph D, shall be deemed a Class D or Class E crime.

COMMITTEE AMENDMENT

2 **Sec. 6. 15 MRSA §3301, sub-§6**, as amended by PL 1999, c. 624,
Pt. B, §11, is further amended to read:

4 **6. Review by attorney for the State.** If the juvenile
community corrections officer decides not to request the attorney
6 for the State to file a petition, the juvenile community
corrections officer shall inform the complainant, the law
8 enforcement officer and the victim of the decision and of the
reasons for the decision as soon as practicable. The juvenile
10 community corrections officer shall advise the complainant, the
law enforcement officer and the victim that they may submit their
12 complaint to the attorney for the State for review.

14 If the juvenile community corrections officer makes a
determination pursuant to subsection 5, paragraph A or B and
16 decides not to request the attorney for the State to file a
petition for a violation of Title 22, section 2389, subsection 2
18 or Title 28-A, section 2052, the juvenile community corrections
officer shall inform the Secretary of State of the violation.
20 The Secretary of State shall suspend for a period of 30 days that
juvenile's license or permit to operate, right to operate a motor
22 vehicle and right to apply for and obtain a license.

24 The attorney for the State on that attorney's own motion or upon
receiving a request for review by the law enforcement officer,
26 the complainant or the victim, shall consider the facts of the
case, consult with the juvenile community corrections officer who
28 made the initial decision and then make a final decision as to
whether to file the petition. Notwithstanding any action or
30 inaction by the juvenile community corrections officer, the
attorney for the State may file a petition at any time more than
32 30 days after the juvenile community corrections officer has been
given notice pursuant to section 3203-A.

34 **Sec. 7. 15 MRSA §3314, sub-§3-A**, as amended by PL 1995, c. 65,
36 Pt. A, §49 and affected by §153 and Pt. C, §15, is further
amended to read:

38 **3-A. Operator's license suspension for drug offenses.** The
40 court may suspend for a period of up to 6 months the license or
permit to operate, right to operate a motor vehicle and right to
42 apply for and obtain a license of any person who violates Title
17-A, chapter 45, ~~or~~; Title 22, section 2383, unless the juvenile
44 is authorized to possess marijuana for medical use pursuant to
Title 22, section 2383-B, subsection 5; Title 22, section 2389,
46 subsection 2; or Title 28-A, section 2052 and is adjudicated
pursuant to this chapter to have committed a juvenile crime.

48 The court shall give notice of suspension and take physical
50 custody of an operator's license or permit as provided in Title

2 29-A, section 2434. The court shall immediately forward the
operator's license and a certified abstract of suspension to the
Secretary of State.'

4
6 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
consecutively.

8
10 **SUMMARY**

12 This amendment makes a technical correction by adding to the
14 provision defining juvenile crimes a reference to the Maine
Revised Statutes, Title 15, section 393, subsection 1, paragraph
16 C. This change corrects an oversight made when Title 15, section
393 was last amended. The amendment also corrects an oversight
18 by adding Title 15, section 3103, subsection 1, paragraph G to
the list of juvenile crimes for which a juvenile may be arrested
without a warrant.

20
22 The amendment removes sections 5, 6 and 7 of the bill, that
created the new juvenile crime of violation of a condition of
release and related provisions.

24
26 The amendment clarifies the process by which the juvenile
community corrections officer ensures that the Secretary of State
28 receives notice of violations of Title 28-A, section 2052 and
Title 22, section 2389, subsection 2 when no juvenile petition
will be filed. The amendment requires the Secretary of State to
30 suspend a juvenile's driver's license for 30 days upon receiving
notice of a violation. The amendment also specifies that the
32 court may suspend a juvenile's license for up to 6 months when a
juvenile violates Title 17-A, chapter 45; Title 22, section 2383;
34 Title 22, section 2383-B, subsection 5; Title 22, section 2389,
subsection 2; or Title 28-A, section 2052 and is adjudicated to
36 have committed a juvenile crime.

FISCAL NOTE REQUIRED
(See attached)

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 884

**An Act To Expand the Definition of "Juvenile Crime" To Include the
Offenses of Possession and Use of Drug Paraphernalia, Illegal
Transportation of Alcohol by a Minor and Transportation of Illegal
Drugs by a Minor**

LR 1153(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor cost increase - Highway Fund

Fiscal Detail and Notes

This bill may potentially increase the Department of Corrections cost related to juvenile offenders. These costs are expected to be minor and would be absorbed by the Department of Corrections utilizing existing budgeted resource.