



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 884

H.P. 661

House of Representatives, February 20, 2003

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

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

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND Clerk

Presented by Representative NORBERT of Portland. Cosponsored by Senator PENDLETON of Cumberland and Representatives: BLANCHETTE of Bangor, BUNKER of Kossuth Township, CLOUGH of Scarborough, GERZOFSKY of Brunswick.

2	Be it enacted by the People of the State of Maine as follows:
4	Sec. 1. 15 MRSA §3103, sub-§1, ¶B, as amended by IB 1999, c. 1, §1, is repealed and the following enacted in its place:
6	<u>B. Offenses involving illegal drugs or drug paraphernalia</u> as follows:
8 10	(1) The possession of a useable amount of marijuana, as provided in Title 22, section 2383, unless the
12	juvenile is authorized to possess marijuana for medical use pursuant to Title 22, section 2383-B, subsection 5;
14 16	(2) The use or possession of drug paraphernalia as provided in Title 17-A, section 1111-A, subsection 4, paragraphs A and B; and
18	(3) Illegal transportation of drugs by a minor as provided in Title 22, section 2389, subsection 2;
20	Sec. 2. 15 MRSA §3103, sub-§1, ¶C, as amended by PL 1999, c.
22	413, §1, is further amended to read:
24	C. Offenses involving intoxicating liquor, as provided in Title 28-A, seetion sections 2051 and 2052 and offenses
26 28	involving refusal to provide proper identification as provided in Title 28-A, section 2087;
30	Sec. 3. 15 MRSA §3103, sub-§1, ¶F, as amended by PL 1997 c. 462, §3, is further amended to read:
32	F. The criminal violation of operating a motor vehicle under the influence of intoxicating liquor or drugs or with
34 36	an excessive blood-alcohol level, as defined in Title 29-A, section 2411, and offenses defined in Title 29-A as Class B or C crimes; and
38	Sec. 4. 15 MRSA §3103, sub-§1, ¶G, as enacted by PL 1997, c.
40	462, §4, is amended to read:
42	G. A violation of section 393, subsection $1-A_{\tau}$; and
	Sec. 5. 15 MRSA §3103, sub-§1, ¶H is enacted to read:
44 46	<u>H. Violation of a condition of release imposed pursuant to</u> section 3203-A, subsection 4, paragraph B.
48	Sec. 6. 15 MRSA §3103, sub-§2, as amended by PL 1997, c. 752, §6, is further amended to read:
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Dispositional powers. All of the dispositional powers of
the Juvenile Court provided in section 3314 apply to a juvenile
who is adjudicated to have committed a juvenile crime, except
that no commitment to a Department of Corrections juvenile
correctional facility or other detention may be imposed for
conduct described in subsection 1, paragraphs B and, C and H.

Sec. 7. 15 MRSA §3201, sub-§3, as amended by PL 1995, c. 470, §6, is further amended to read:

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3. Enforcement of other juvenile crimes. A law enforcement 12 officer who has probable cause to believe that a juvenile crime, as defined by section 3103, subsection 1, paragraph B of, C or H 14 has been committed may request that the juvenile provide the officer with reasonably credible evidence of the juvenile's name, address and age. The evidence may consist of oral representations 16 by the juvenile. If the juvenile furnishes the officer with evidence of the juvenile's name, address and age and the evidence 18 does not appear to be reasonably credible, the officer shall 20 attempt to verify the evidence as quickly as is reasonably possible. During the period the verification is being attempted, 22 the officer may require the juvenile to remain present for a period not to exceed 2 hours.

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the juvenile of After informing the provisions of this 26 subsection, the officer may arrest the juvenile for a crime defined in section 3103, subsection 1, paragraph B ΘF_{L} C or H if 28 the juvenile intentionally refuses to furnish any evidence of the juvenile's name, address and age, or if, after attempting to 30 verify the evidence as provided for in this subsection, the officer has probable cause to believe that the juvenile has 32 intentionally failed to provide reasonably credible evidence of the juvenile's name, address and age. 34

SUMMARY

38 This bill amends the Maine Juvenile Code to add to the definition of "juvenile crime" the civil violations of possessing 40 and using drug paraphernalia, transportation of alcohol or illegal drugs by a minor and violation of a condition of release 42 imposed by a juvenile correction officer. The purpose of this bill is to clarify jurisdiction and enforcement of closely 44 related violations, such as possession of drugs and possession and use of drug paraphernalia and possession of alcohol and transportation of alcohol by a minor. Under current law, for 46 example, a juvenile who is in possession of illegal drugs and 48 drug paraphernalia is required to appear in juvenile court for the drug possession charge and district court for the civil 50 paraphernalia charge.