

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 922

H.P. 679

House of Representatives, February 25, 2003

An Act To Clarify the Bind-over Provisions of the Maine Juvenile Code

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DAVIS of Falmouth.
Cosponsored by Representative: NORBERT of Portland.

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

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Sec. 1. 15 MRSA §3101, sub-§4, ¶E, as amended by PL 1997, c. 645, §4, is further amended to read:

E. The Juvenile Court shall bind a juvenile over to the Superior Court if it finds:

(1) That there is probable cause to believe that a juvenile crime has been committed that would constitute murder or a Class A, Class B or Class C crime if the juvenile involved were an adult and that the juvenile to be bound over committed it; ~~and~~ or

(2) After a consideration of the seriousness of the crime, the characteristics of the juvenile, the public safety and the dispositional alternatives in paragraph D, that:

(a) If the State has the burden of proof, the State has established by a preponderance of the evidence that it is appropriate to prosecute the juvenile as if the juvenile were an adult; or

(b) If the juvenile has the burden of proof, the juvenile has failed to establish by a preponderance of the evidence that it is not appropriate to prosecute the juvenile as if the juvenile were an adult.

SUMMARY

Under current law, the Juvenile Court is directed to bind a juvenile over to the Superior Court if the court finds that there is probable cause to believe the juvenile committed a crime that would constitute murder or a Class A, B or C crime if the juvenile were an adult and that it is appropriate to prosecute the juvenile as if the juvenile were an adult. This bill provides that the presence of only one of these 2 factors is sufficient to bind a juvenile over to Superior Court.