

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1496

H.P. 1093

House of Representatives, March 31, 2003

An Act To Amend the Maine Juvenile Code

Submitted by the Department of Corrections pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BUNKER of Kossuth Township.
Cosponsored by Senator CARPENTER of York and
Representatives: CHURCHILL of Washburn, LESSARD of Topsham, SNOWE-MELLO of Poland.

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

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4 **Sec. 1. 15 MRSA §1102**, as amended PL 2001, c. 667, Pt. A, §31, is repealed.

6 **Sec. 2. 15 MRSA §3003, sub-§14-B, ¶B**, as amended by PL 1999, c. 624, Pt. B, §2 and PL 2001, c. 439, Pt. G, §6, is further amended to read:

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10 B. To provide appropriate services to juveniles committed to ~~the Long-Creek-Youth-Development-Center~~ a Department of
12 Corrections juvenile correctional facility who are on leave or in the community on aftercare; and

14 **Sec. 3. 15 MRSA §3203-A, sub-§4-A** is enacted to read:

16 **4-A. Probable cause determination.** Except in a bona fide emergency or other extraordinary circumstance, when a juvenile arrested without a warrant is not released or does not receive a detention hearing under subsection 5 within 48 hours after arrest, including Saturdays, Sundays and legal holidays, the Juvenile Court shall determine, within that time period, whether there is probable cause to believe that the juvenile has committed a juvenile crime. Evidence presented to establish such probable cause may include testimony, affidavits and other reliable hearsay evidence as permitted by the court. If the evidence does not establish such probable cause, the court shall order the juvenile's discharge from detention.

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28 **Sec. 4. 15 MRSA §3203-A, sub-§5, ¶C**, as repealed and replaced by PL 1999, c. 127, Pt. A, §32 and c. 260, Pt. A, §5, is amended to read:

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34 C. Continued detention may not be ordered unless the Juvenile Court has determined pursuant to subsection 4-A or
36 determines at the detention hearing that there is probable cause to believe that the juvenile has committed a juvenile
38 crime.

40 **Sec. 5. 15 MRSA §3203-A, sub-§6**, as amended by PL 1993, c. 675, Pt. B, §13, is further amended to read:

42 **6. Availability of judges.** The Chief Judge of the District Court shall provide that a Juvenile Court Judge is available to make the probable cause determination described in subsection 4-A on all days including Saturdays, Sundays and legal holidays. The Chief Judge of the District Court shall provide that a Juvenile Court Judge is available to preside at the detention hearing, described in subsection 5, on all days except Saturdays, Sundays and legal holidays.

2 **Sec. 6. 15 MRSA §3203-A, sub-§11** is enacted to read:

4 11. Review of order. Upon petition by a juvenile community
6 corrections officer or an attorney for the State and a showing of
8 changed circumstances, the Juvenile Court may review an order for
 detention, conditional release or unconditional release and may
 enter a new order in accordance with this section.

10 **Sec. 7. 15 MRSA §3206** is enacted to read:

12 **§3206. Detention of juveniles charged as adults**

14 A person under 18 years of age who is arrested for a crime
16 defined under Title 12 or Title 29-A that is not a juvenile crime
18 as defined in section 3103 may not be detained unless a juvenile
20 community corrections officer has been notified within 2 hours
 after the person's arrest and has approved the detention.
 Section 3203-A, subsection 7, paragraphs A and B governing the
 facilities in which juveniles may be detained apply to any
 detention of such a juvenile following arrest.

22 **Sec. 8. 15 MRSA §3307, sub-§2, ¶A**, as amended by PL 1981, c.
24 361, is further amended to read:

26 A. The Once a petition is filed, the general public shall
28 may not be excluded from any proceeding on a juvenile crime
30 that would constitute murder or a Class A, Class B or Class
32 C crime if the juvenile involved were an adult or; from any
34 proceeding on a juvenile crime that would constitute a Class
 D crime if the juvenile involved were an adult, and it is
 the 2nd or subsequent Class D crime for that juvenile not
 arising from the same underlying transaction,; or from any
 subsequent dispositional hearings in such cases.

36 **Sec. 9. 15 MRSA §3314, sub-§4**, as amended by PL 1997, c. 752,
 §22, is further amended to read:

38 **4. Medical support.** Whenever the court commits a juvenile
40 to a Department of Corrections juvenile correctional facility or
42 to the Department of Human Services or for a period of detention
44 or places a juvenile on a period of probation, it shall require
46 the parent or legal guardian to provide medical insurance for or
48 contract to pay the full cost of any medical treatment, mental
 health treatment, substance abuse treatment and counseling that
 may be provided to the juvenile while the juvenile is committed,
 including while on aftercare status or on probation, unless it
 determines that such a requirement would create an excessive
 hardship on the parent or legal guardian, or other dependent of

2 the parent or legal guardian, in which case it shall require the
parent or legal guardian to pay a reasonable amount toward the
4 cost, the amount to be determined by the court.

6 An order under this subsection is enforceable under Title 19-A,
section 2603.

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10 **SUMMARY**

12 This bill requires the Juvenile Court to determine within 48
hours after a juvenile has been arrested whether there is
14 probable cause to believe that the juvenile has committed a
juvenile crime. The bill requires the Chief Judge of the
District Court to have a Juvenile Court Judge available on
16 Saturdays, Sundays and legal holidays. The bill also moves the
section of law that deals with detention of juveniles charged as
18 adults from the Maine Revised Statutes, Title 15, section 1102 to
section 3206.