

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 242

H.P. 181

House of Representatives, January 18, 2005

An Act To Amend the Maine Juvenile Code

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SYKES of Harrison.

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

4 **Sec. 1. 15 MRSA §3103, sub-§1, ¶G**, as repealed and replaced by
PL 2003, c. 688, Pt. A, §12, is amended to read:

6 G. A violation of section 393, subsection 1, paragraph C or
section 393, subsection 1-A; and

8 **Sec. 2. 15 MRSA §3103, sub-§1, ¶H**, as enacted by PL 2003, c.
10 410, §7, is amended to read:

12 H. If a juvenile has been convicted of a crime for a
14 violation of a provision of Title 12 or 29-A not
specifically included in paragraph E or F, willful refusal
16 to pay a resulting fine or willful violation of the terms of
a resulting probation or willful failure to comply with the
18 terms of any other resulting court order; and

20 **Sec. 3. 15 MRSA §3103, sub-§1, ¶I** is enacted to read:

22 I. Violation of a conditional release imposed by a juvenile
community corrections officer pursuant to section 3203-A,
subsection 4, paragraph A or B or the Juvenile Court
24 pursuant to section 3306-A.

26 **Sec. 4. 15 MRSA §3105-A, sub-§1**, as enacted by PL 1987, c.
28 222, §2, is amended to read:

30 **1. Expiration of limitation; defense.** It is a defense that
prosecution was commenced after the expiration of the applicable
32 period of limitations provided in this section, provided except
that a prosecution for the juvenile crime of murder or criminal
34 homicide in the first or 2nd degree or, if the victim had not
attained 16 years of age at the time of the crime and the
juvenile had attained 16 years of age, the juvenile crime of
36 unlawful sexual contact under Title 17-A, section 255-A or gross
sexual assault under Title 17-A, section 253 may be commenced at
38 any time.

40 **Sec. 5. 15 MRSA §3105-A, sub-§2**, as amended by PL 1995, c.
42 470, §5, is further amended to read:

44 **2. Limitations.** Prosecution for juvenile crimes other than
murder or criminal homicide in the first or 2nd degree or, if the
victim had not attained 16 years of age at the time of the crime
46 and the juvenile had attained 16 years of age, the juvenile crime
of unlawful sexual contact under Title 17-A, section 255-A or
48 gross sexual assault under Title 17-A, section 253 are subject to
the following periods of limitations.

2 A. A prosecution for conduct which, that if committed by an
adult, is a Class A, Class B or Class C crime, shall must be
4 commenced within 6 years after it is committed.

6 B. A prosecution for conduct which, that if committed by an
adult, is a Class D or Class E crime shall must be commenced
8 within 3 years after it is committed.

10 C. A prosecution for conduct specified in section 3103,
subsection 1, paragraph B, C, D, E or F must be commenced
12 within one year after it is committed.

14 **Sec. 6. 15 MRSA §3310, sub-§4**, as enacted by PL 1977, c. 520,
§1, is amended to read:

16
18 **4. Standard of proof.** When If the court finds that the
elements of the juvenile crime as defined in section 3103,
20 subsection 1, paragraph A, E, F, G, H or I are not supported by
evidence beyond a reasonable doubt or that the elements of a
22 juvenile crime as defined in section 3103, subsection 1,
paragraph B, C or D are not supported by a preponderance of the
24 evidence, the court shall order the petition dismissed and the
juvenile discharged from any detention or restriction previously
ordered. The juvenile's parents, guardian or other legal
26 custodian shall must also be discharged from any restriction or
other temporary order.

28
30 **Sec. 7. 15 MRSA §3310, sub-§5, ¶A**, as amended by PL 1979, c.
681, §25, is further amended to read:

32 A. When If the court finds that the allegations of the
petition alleging a juvenile crime as defined in section
34 3103, subsection 1, paragraph A, E, F, G, H or I are
supported by evidence beyond a reasonable doubt or that the
36 allegations of a petition alleging a juvenile crime as
defined in section 3103, subsection 1, paragraph B, C or D
38 are supported by a preponderance of the evidence, the court
shall adjudge that the juvenile committed a juvenile crime
40 and shall, in all such adjudications, issue an order of
adjudication.

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SUMMARY

46 This bill creates a new juvenile offense of violation of
conditional release.

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50 The bill amends the period of statute of limitations to
ensure the protection of victims of gross sexual assault and
unlawful sexual contact committed by juveniles. Current law

2 limits prosecution to a period of 6 years for juvenile crimes
3 that would be Class A, B or C crimes and 3 years for juvenile
4 crimes that would be Class C or D crimes if committed by an
5 adult. However, prosecution of offenses involving gross sexual
6 assault or unlawful sexual contact if the actor is an adult and
7 the victim is under 16 years of age may be commenced at any
8 time. This bill would allow prosecution of serious sexual
9 offenses if committed by a juvenile at any time.

10 The bill also amends the standard of proof so that juvenile
11 crimes involving illegal drugs or drug paraphernalia and those
12 involving intoxicating liquor that, if committed by an adult,
13 would constitute civil offenses, are established by a
14 preponderance of evidence rather than proof beyond a reasonable
15 doubt.