

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

R.O.S.

L.D. 1504

DATE: 5.31.05

(Filing No. S-289

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 520, L.D. 1504, Bill, "An Act To Amend the Statutes Relating to Juveniles"

Amend the bill by striking out all of sections 1, 2 and 3 and inserting in their place the following:

'Sec. 1. 12 MRSA §6004, as enacted by PL 2003, c. 410, §1, is amended to read:

§6004. Juvenile violations

Notwithstanding other provisions of law, a person who has not attained 18 years of age and who is convicted of a crime for a violation of a provision of this Part that is not defined as a juvenile crime under Title 15, section 3103, subsection 1 may not be sentenced to imprisonment, but may be committed to a Department of Corrections juvenile correctional facility for a period of detention that may not exceed 30 days, which may be suspended in whole or in part, if the court determines that:

1. Crime. The crime is one that, if committed by a person who has attained 18 years of age, would carry a mandatory term of imprisonment that may not be suspended;

2. Nature. The aggravated nature and seriousness of the crime warrants a period of detention; or

COMMITTEE AMENDMENT

2           3. History. The record or previous history of the  
3 defendant warrants a period of detention.

4           The court is not required to impose a period of detention  
5 notwithstanding that there is a mandatory term of imprisonment  
6 applicable to a person who has attained 18 years of age.

7           Any period of detention must be served concurrently with any  
8 other period of detention previously imposed and not fully  
9 discharged or imposed on the same date. Any period of detention  
10 is subject to Title 17-A, section 1253, subsection 2 but not to  
11 Title 17-A, section 1253, subsection 3-B, 4, 5, 8, 9 or 10. If  
12 the court suspends the period of detention in whole or in part,  
13 the court shall impose a period of administrative release not to  
14 exceed one year. The administrative release must be administered  
15 pursuant to Title 17-A, chapter 54-G, and revocation of the  
16 administrative release is governed by the provisions of that  
17 chapter.

18           **Sec. 2. 12 MRSA §8004**, as enacted by PL 2003, c. 410, §3, is  
19 amended to read:

20           **§8004. Juvenile violations**

21           Notwithstanding other provisions of law, a person who has  
22 not attained 18 years of age and who is convicted of a crime for  
23 a violation of a provision of this Part that is not defined as a  
24 juvenile crime under Title 15, section 3103, subsection 1 may not  
25 be sentenced to imprisonment, but may be committed to a  
26 Department of Corrections juvenile correctional facility for a  
27 period of detention that may not exceed 30 days, which may be  
28 suspended in whole or in part, if the court determines that:

29           1. Crime. The crime is one that, if committed by a person  
30 who has attained 18 years of age, would carry a mandatory term of  
31 imprisonment that may not be suspended;

32           2. Nature. The aggravated nature and seriousness of the  
33 crime warrants a period of detention; or

34           3. History. The record or previous history of the  
35 defendant warrants a period of detention.

36           The court is not required to impose a period of detention  
37 notwithstanding that there is a mandatory term of imprisonment  
38 applicable to a person who has attained 18 years of age.

39           Any period of detention must be served concurrently with any  
40 other period of detention previously imposed and not fully

200

2 discharged or imposed on the same date. Any period of detention  
4 is subject to Title 17-A, section 1253, subsection 2 but not to  
6 Title 17-A, section 1253, subsection 3-B, 4, 5, 8, 9 or 10. If  
8 the court suspends the period of detention in whole or in part,  
10 the court shall impose a period of administrative release not to  
12 exceed one year. The administrative release must be administered  
14 pursuant to Title 17-A, chapter 54-G, and revocation of the  
16 administrative release is governed by the provisions of that  
18 chapter.

12 **Sec. 3. 12 MRSA §10608**, as enacted by PL 2003, c. 655, Pt. B,  
14 §66 and affected by §422, is amended to read:

14 **§10608. Juvenile violations**

16 Notwithstanding other provisions of law, a person who has  
18 not attained 18 years of age and who is convicted of a crime for  
20 a violation of this Part that is not defined as a juvenile crime  
22 under Title 15, section 3103, subsection 1 may not be sentenced  
24 to imprisonment, but may be committed to a Department of  
26 Corrections juvenile correctional facility for a period of  
28 detention that may not exceed 30 days, which may be suspended in  
30 whole or in part, if the court determines that:

26 1. Crime. The crime is one that, if committed by a person  
28 who has attained 18 years of age, would carry a mandatory term of  
30 imprisonment that may not be suspended;

30 2. Nature. The aggravated nature and seriousness of the  
32 crime warrants a period of detention; or

32 3. History. The record or previous history of the  
34 defendant warrants a period of detention.

36 The court is not required to impose a period of detention  
38 notwithstanding that there is a mandatory term of imprisonment  
40 applicable to a person who has attained 18 years of age.

40 Any period of detention must be served concurrently with any  
42 other period of detention previously imposed and not fully  
44 discharged or imposed on the same date. Any period of detention  
46 is subject to Title 17-A, section 1253, subsection 2 but not to  
48 Title 17-A, section 1253, subsection 3-B, 4, 5, 8, 9 or 10. If  
the court suspends the period of detention in whole or in part,  
the court shall impose a period of administrative release not to  
exceed one year. The administrative release must be administered  
pursuant to Title 17-A, chapter 54-G, and revocation of the  
administrative release is governed by the provisions of that  
chapter.'

2 Further amend the bill by striking out all of section 5 and  
inserting in its place the following:

4  
6 'Sec. 5. 15 MRSA §3103, sub-§1, ¶H, as enacted by PL 2003, c.  
410, §7, is amended to read:

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

16 Sec. 6. 15 MRSA §3201, sub-§1, as amended by PL 2003, c. 305,  
§4, is further amended to read:

18  
20 **1. Warrantless arrests.** Arrests without warrants of  
juveniles for juvenile crimes defined by section 3103, subsection  
22 1, paragraphs A, D, E, F and G and H by law enforcement officers  
or private persons shall must be made pursuant to the provisions  
24 of Title 17-A, sections 15 and 16. For purposes of this section,  
a juvenile crime defined under section 3103, subsection 1,  
26 paragraph D or H, ~~shall be~~ is deemed a Class D or Class E crime.  
A law enforcement officer or private person may not arrest a  
juvenile for a juvenile crime defined by section 3103, subsection  
1, paragraph B or C.'

30 Further amend the bill by striking out all of section 11  
(page 5, lines 4 to 16 in L.D.)

32 Further amend the bill by striking out all of section 15  
34 (page 6, lines 43 to 50 and page 7, lines 1 to 17 in L.D.) and  
inserting in its place the following:

36 'Sec. 15. 29-A MRSA §115, as enacted by PL 2003, c. 410, §8,  
38 is amended to read:

40 **§115. Juvenile violations**

42 Notwithstanding other provisions of law, a person who has  
44 not attained 18 years of age and who is convicted of a crime for  
a violation of a provision of this Title that is not defined as a  
46 juvenile crime under Title 15, section 3103, subsection 1 may not  
be sentenced to imprisonment, but may be committed to a  
Department of Corrections juvenile correctional facility for a  
48 period of detention that may not exceed 30 days, which may be  
suspended in whole or in part, if the court determines that:

2           1. Crime. The crime is one that, if committed by a person  
4           who has attained 18 years of age, would carry a mandatory term of  
          imprisonment that may not be suspended;

6           2. Nature. The aggravated nature and seriousness of the  
          crime warrants a period of detention; or

8           3. History. The record or previous history of the  
10          defendant warrants a period of detention.

12          The court is not required to impose a period of detention  
14          notwithstanding that there is a mandatory term of imprisonment  
          applicable to a person who has attained 18 years of age.

16          Any period of detention must be served concurrently with any  
18          other period of detention previously imposed and not fully  
20          discharged or imposed on the same date. Any period of detention  
22          is subject to Title 17-A, section 1253, subsection 2 but not to  
24          Title 17-A, section 1253, subsection 3-B, 4, 5, 8, 9 or 10. If  
26          the court suspends the period of detention in whole or in part,  
          the court shall impose a period of administrative release not to  
          exceed one year. The administrative release must be administered  
          pursuant to Title 17-A, chapter 54-G, and revocation of the  
          administrative release is governed by the provisions of that  
          chapter.'

28          Further amend the bill by inserting after section 16 the  
30          following:

32          'Sec. 17. 34-A MRSA §3802, sub-§1, ¶E, as amended by PL 1999,  
          c. 624, Pt. B, §23, is further amended to read:

34                E. To confine juveniles ordered detained pursuant to Title  
36                15, section 3314, subsection 1, paragraph H; and

38          Sec. 18. 34-A MRSA §3802, sub-§1, ¶F, as enacted by PL 1999,  
          c. 624, Pt. B, §24, is amended to read:

40                F. To confine juveniles ordered detained pursuant to Title  
42                15, section 3312, subsection 3, paragraph D.; and

44          Sec. 19. 34-A MRSA §3802, sub-§1, ¶G is enacted to read:

46                G. To confine juveniles ordered detained pursuant to Title  
          12, sections 6004, 8004 and 10608 and Title 29-A, section  
          115.'

48          Further amend the bill by inserting after section 17 the  
50          following:

2 'Sec. 18. 34-A MRSA §4102, as amended by PL 2003, c. 410, §18  
and c. 545, §6, is repealed.

4 Sec. 19. 34-A MRSA §4102-A is enacted to read:

6 §4102-A. Purposes; accomplishment of purposes

8 1. Statement. The purposes of the Mountain View Youth  
10 Development Center are:

12 A. To detain juveniles pending a court proceeding;

14 B. To administer court-ordered diagnostic evaluations  
16 pursuant to Title 15, section 3309-A, and court-ordered  
examinations pursuant to Title 15, section 3318;

18 C. To rehabilitate juveniles committed to a juvenile  
20 correctional facility pursuant to Title 15, section 3314,  
subsection 1, paragraph F;

22 D. To protect the public from dangerous juveniles;

24 E. To confine juveniles ordered detained pursuant to Title  
26 15, section 3314, subsection 1, paragraph H;

28 F. To confine juveniles ordered detained pursuant to Title  
15, section 3312, subsection 3, paragraph D; and

30 G. To confine juveniles ordered detained pursuant to Title  
32 12, sections 6004, 8004 and 10608 and Title 29-A, section  
115.

34 2. Accomplishment. To accomplish the purposes set out in  
36 subsection 1, the disciplines of education, casework, group work,  
psychology, psychiatry, medicine, nursing, vocational training  
38 and religion as they are related to human relations and  
personality development must be employed. Security measures,  
40 whether in the form of physically restrictive construction or  
intensive staff supervision, when appropriate, may be taken to  
42 accomplish these purposes.'

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

48 **SUMMARY**

50 This amendment replaces provisions in the bill that

COMMITTEE AMENDMENT "A" to S.P. 520, L.D. 1504

2 specified that, for certain offenses under the Maine Revised  
4 Statutes, Titles 12 and 29-A, no version of imprisonment would be  
6 allowed for juveniles unless, after the juvenile becomes an  
8 adult, the person fails to comply with a court order that results  
10 from the conviction. Instead, the amendment allows juveniles who  
12 commit crimes under Title 12 and Title 29-A that are not defined  
as juvenile crimes to be sentenced to a period of detention not  
to exceed 30 days if the court determines that such detention is  
appropriate based on certain criteria, including the nature of  
the crime and the person's history. The amendment also makes  
technical changes to ensure that the statutory purposes of the  
Long Creek Youth Development Center and the Mountain View Youth  
Development Center are consistent.