

# MAINE STATE LEGISLATURE

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2018

L.D. 1771

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DATE: 3-1-06

(Filing No. S-472)

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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Reported by: *Majority*

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

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**STATE OF MAINE  
SENATE  
122ND LEGISLATURE  
SECOND REGULAR SESSION**

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COMMITTEE AMENDMENT "A" to S.P. 688, L.D. 1771, Bill, "An  
Act To Amend the Maine Criminal Code and Various Provisions  
Related to Juveniles"

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Amend the bill by inserting after section 3 the following:

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'Sec. 4. 15 MRSA §1004, as amended by PL 2003, c. 711, Pt. A,  
§3, is further amended to read:

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**§1004. Applicability and exclusions**

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This chapter applies to the setting of bail for a defendant  
in a criminal proceeding, including the setting of bail for an  
alleged contemnor in a plenary contempt proceeding involving a  
punitive sanction under the Maine Rules of Criminal Procedure,  
Rule 42 or the Maine Rules of Civil Procedure, Rule 66. It does  
not apply to the setting of bail in extradition proceedings under  
sections 201 to 229 or post-conviction review proceedings under  
sections 2121 to 2132, probation revocation proceedings under  
Title 17-A, sections 1205 to 1207, supervised release revocation  
proceedings under Title 17-A, section 1233 or administrative  
release revocation proceedings under Title 17-A, sections 1349 to  
1349-F, except to the extent and under the conditions stated in  
those sections. This chapter applies to the setting of bail for  
an alleged contemnor in a summary contempt proceeding involving a  
punitive sanction under the Maine Rules of Criminal Procedure,  
Rule 42 or the Maine Rules of Civil Procedure, Rule 66 and to the  
setting of bail relative to a material witness only as specified

**COMMITTEE AMENDMENT**

in sections 1103 and 1104, respectively. This chapter does not apply to a person under 18 years of age who is arrested for a crime defined under Title 12 or Title 29-A that is not a juvenile crime as defined in section 3103.'

Further amend the bill by inserting after section 4 the following:

'Sec. 5. 15 MRSA §3205, sub-§1, as amended by PL 1999, c. 624, Pt. A, §6, is further amended to read:

1. **Generally.** A juvenile may not be committed to or detained or confined in a jail or other secure detention facility intended or primarily used for the detention of adults, except when bound over as an adult or as provided in section 3203-A, subsection 1, paragraph B-1 or section 3203-A, subsection 7. A juvenile who is detained in a jail or other secure detention facility intended or primarily used for the detention of adults may be detained only in a section of a facility that meets the requirements of section 3203-A, subsection 7, paragraph A, unless bound over as an adult and held in an adult section of a facility pursuant to court order.'

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

### SUMMARY

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety.

This amendment adds the term "confined" in a provision that was inadvertently omitted from the bill. The amendment also adds language to the Maine Bail Code that is consistent with the change proposed by the bill to the Maine Juvenile Code, making it clear that the bail process is not available for a juvenile charged with an adult crime under the Maine Revised Statutes, Title 12 or 29-A.

FISCAL NOTE REQUIRED  
(See attached)



# 122nd MAINE LEGISLATURE

LD 1771

LR 3016(02)

**An Act to Amend the Maine Criminal Code and Various Provisions Related to Juveniles**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund