

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 363

H.P. 293

House of Representatives, January 25, 2007

An Act To Improve Juvenile Justice

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SYKES of Harrison.
Cosponsored by Representatives: CEBRA of Naples, ROBINSON of Raymond.

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

2 **Sec. 1. 15 MRSA §3306-A, first ¶**, as amended by PL 2003, c. 706, Pt. A, §4, is
3 further amended to read:

4 At the juvenile's first appearance or at ~~any a~~ subsequent appearance before the court,
5 the court may order the juvenile's unconditional release, conditional release or detention
6 in accordance with section 3203-A. Unless the court orders otherwise, ~~any a~~ juvenile put
7 on conditional release by a juvenile community corrections officer remains on conditional
8 release until ~~disposition~~ the juvenile commences an informal adjustment pursuant to
9 section 3301, subsection 5, paragraph B, the attorney for the State determines that no
10 petition will be filed or the juvenile court enters a final dispositional order pursuant to
11 section 3314.

12 **Sec. 2. 15 MRSA §3307, sub-§2, ¶A**, as amended by PL 2003, c. 180, §8, is
13 further amended to read:

14 A. Once a petition is filed, the general public may not be excluded from ~~any a~~
15 proceeding on a juvenile crime that would constitute murder or a Class A, Class B or
16 Class C crime if the juvenile involved were an adult; from ~~any a~~ proceeding on a
17 juvenile crime that would constitute a Class D crime if the juvenile involved were an
18 adult and it is the 2nd or subsequent petition filed with the court alleging a Class D or
19 higher class crime for that juvenile not arising from the same underlying transaction;
20 or from ~~any a~~ subsequent dispositional ~~hearings~~ hearing in such cases.

21 **Sec. 3. 15 MRSA §3314, sub-§3-A**, as amended by PL 2003, c. 305, §6, is
22 further amended to read:

23 **3-A. Operator's license suspension for drug offenses.** The court may suspend for
24 a period of up to 6 months the license or permit to operate, right to operate a motor
25 vehicle and right to apply for and obtain a license of ~~any a~~ person who violates Title 17-
26 A, chapter 45; Title 22, section 2383, unless the juvenile is authorized to possess
27 marijuana for medical use pursuant to Title 22, section 2383-B, subsection 5; Title 22,
28 section 2389, subsection 2; Title 28-A, section 2051; or Title 28-A, section 2052 and is
29 adjudicated pursuant to this chapter to have committed a juvenile crime.

30 The court shall give notice of suspension and take physical custody of an operator's
31 license or permit as provided in Title 29-A, section 2434. The court shall immediately
32 forward the operator's license and a certified abstract of suspension to the Secretary of
33 State.

34 **Sec. 4. 15 MRSA §3314, sub-§7** is enacted to read:

35 **7. Enforcement.** After notice and hearing and in accordance with the Maine Rules
36 of Civil Procedure, Rule 66, the court may invoke its inherent contempt powers to
37 enforce the disposition ordered pursuant to this section.

38 A. Punitive sanctions for contempt may include imposition of a lawful disposition
39 pursuant to this section including a period of confinement that may not exceed 30
40 days. A period of confinement may not be ordered for failure to comply with a

1 dispositional order upon adjudication for a violation of an offense described under
2 section 3103, subsection 1, paragraph B or C. The court may not impose a
3 disposition of commitment to a Department of Corrections juvenile correctional
4 facility.

5 B. Remedial sanctions for contempt may include coercive confinement that may not
6 exceed 30 days, except that coercive confinement may not be ordered for failure to
7 comply with a dispositional order upon adjudication for a violation of an offense
8 described under section 3103, subsection 1, paragraph B or C.

9 A period of confinement imposed as a punitive sanction or coercive confinement ordered
10 as a remedial sanction must be served in a facility approved or operated by the
11 Department of Corrections exclusively for juveniles. If a person has attained 18 years of
12 age, the court may order the period of confinement to be served in the adult section of a
13 jail or other secure detention facility intended or primarily used for the detention of
14 adults. In the case of a person who has attained 21 years of age, the period of
15 confinement must be served in the adult section of a jail or other secure detention facility
16 intended or primarily used for the detention of adults.

17 **Sec. 5. 28-A MRSA §2051, sub-§2, ¶B,** as amended by PL 2003, c. 452, Pt. P,
18 §4 and as affected by Pt. X, §2, is further amended to read:

19 B. The judge, as an alternative to or in addition to the civil fines required by this
20 subsection, may assign the minor to perform specified work for the benefit of the
21 State, the municipality or other public entity or charitable institution and may suspend
22 for a period of up to 6 months the minor's license or permit to operate, right to
23 operate a motor vehicle and right to apply for and obtain a license.

24 The court shall give notice of suspension and take physical custody of an operator's
25 license or permit as provided in Title 29-A, section 2434. The court shall
26 immediately forward the operator's license and a certified abstract of suspension to
27 the Secretary of State.

28 **SUMMARY**

29 This bill amends the Maine Juvenile Code as follows.

30 1. It provides clarification of when conditions of release imposed by a juvenile
31 community corrections officer terminate.

32 2. It clarifies that the public may not be excluded from a proceeding involving a
33 juvenile petition alleging a second or subsequent crime that would be a Class D or higher
34 class crime if the juvenile were an adult.

35 3. It provides explicit authority for the Juvenile Court to invoke contempt powers to
36 enforce dispositional orders and hold accountable juveniles who fail to comply with such
37 orders.

38 The bill also authorizes the court to suspend for up to 6 months the license, permit or
39 right to operate a motor vehicle of a juvenile adjudicated of illegal possession or
40 consumption of liquor by a minor.