

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1597

H.P. 1203

House of Representatives, December 13, 2011

An Act To Ensure Confidentiality of Juvenile Case Records

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 9, 2011. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative HASKELL of Portland.

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

2 **Sec. 1. 15 MRSA §3301, sub-§6**, as amended by PL 2007, c. 196, §2, is further
3 amended to read:

4 **6. Review by attorney for the State.** If the juvenile community corrections officer
5 decides not to request the attorney for the State to file a petition, the juvenile community
6 corrections officer shall inform the attorney for the State, the complainant, the law
7 enforcement officer and the victim of the decision and of the reasons for the decision as
8 soon as practicable. The juvenile community corrections officer shall advise the
9 complainant, the law enforcement officer and the victim that they may submit their
10 complaint to the attorney for the State for review.

11 If the juvenile community corrections officer makes a determination pursuant to
12 subsection 5, paragraph A or B and decides not to request the attorney for the State to file
13 a petition for a violation of Title 22, section 2389, subsection 2 or Title 28-A, section
14 2052, the juvenile community corrections officer shall inform the Secretary of State of
15 the violation. The Secretary of State shall suspend for a period of 30 days that juvenile's
16 license or permit to operate a motor vehicle, right to operate a motor vehicle and right to
17 apply for and obtain a license. The suspension may not be made public or become part of
18 a juvenile's driving record or motor vehicle record.

19 The attorney for the State on that attorney's own motion or upon receiving a request for
20 review by the law enforcement officer, the complainant or the victim, shall consider the
21 facts of the case, consult with the juvenile community corrections officer who made the
22 initial decision and then make a final decision as to whether to file the petition. The
23 attorney for the State shall notify the juvenile community corrections officer of the final
24 decision within 30 days of being informed by the juvenile community corrections officer
25 of the initial decision. If a juvenile community corrections officer has not yet made an
26 initial decision, the attorney for the State may file a petition at any time more than 30
27 days after the juvenile community corrections officer has been given notice pursuant to
28 section 3203-A.

29 **Sec. 2. 15 MRSA §3308, sub-§6**, as amended by PL 1995, c. 65, Pt. A, §47 and
30 affected by §153 and Pt. C, §15, is further amended to read:

31 **6. Records to Secretary of State.** Whenever a juvenile has been adjudicated as
32 having committed a juvenile crime involving the operation of a motor vehicle, the court
33 shall forthwith transmit to the Secretary of State an abstract, duly certified, setting forth
34 the name of the juvenile, the offense, the date of the offense, the date of the adjudicatory
35 hearing and any other pertinent facts. These records are admissible in evidence in
36 hearings conducted by the Secretary of State or any of the Secretary of State's deputies
37 ~~and are open to public inspection~~ but may be used only for purposes of those hearings and
38 may not be made public or become part of a juvenile's driving record or motor vehicle
39 record.

40 Nothing in this Part may be construed to limit the authority of the Secretary of State,
41 pursuant to Title 29-A, to suspend a person's license or permit to operate a motor vehicle,
42 right to operate a motor vehicle or right to apply for or obtain a license.

1

SUMMARY

2 This bill specifies that, when the Secretary of State receives notice from a juvenile
3 community corrections officer that a juvenile has violated the law prohibiting illegal
4 transportation of drugs by a minor or the law prohibiting illegal transportation of liquor
5 by a minor, the Secretary of State's suspension of that juvenile's license or permit to
6 operate a motor vehicle, right to operate a motor vehicle and right to apply for and obtain
7 a license may not be made public or become part of a juvenile's driving record or motor
8 vehicle record.

9 The bill also specifies that, when a juvenile has been adjudicated as having
10 committed a juvenile crime involving the operation of a motor vehicle, and the court
11 transmits records containing the details of the adjudication to the Secretary of State, the
12 Secretary of State may use those records only for purposes of hearings held by the
13 Secretary of State and the records may not otherwise be made public or become part of a
14 juvenile's driving record or motor vehicle record.