

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1964

H.P. 1408

House of Representatives, January 8, 2020

**An Act To Limit Access to Juvenile Case Records and Protect the
Confidentiality of Juvenile History Record Information**

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

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TALBOT ROSS of Portland.
Cosponsored by President JACKSON of Aroostook and
Representatives: COREY of Windham, FECTEAU of Biddeford, McDONALD of Stonington,
MOONEN of Portland, O'NEIL of Saco, Senators: CARPENTER of Aroostook, LIBBY of
Androscoggin, MIRAMANT of Knox.

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

2 **Sec. 1. 15 MRSA §709, sub-§1-B**, as enacted by PL 2011, c. 507, §1, is amended
3 to read:

4 **1-B. Administration of juvenile criminal justice.** "Administration of juvenile
5 criminal justice" has the same meaning as in section ~~3308~~ 3308-C, subsection ~~7~~ 4,
6 paragraph A, subparagraph (2).

7 **Sec. 2. 15 MRSA §3009, sub-§2**, as amended by PL 2003, c. 205, §3, is further
8 amended to read:

9 **2. Release of information.** Upon the request of the superintendent or the
10 superintendent's designee under subsection 1, the Department of Corrections shall release
11 information as authorized under section ~~3308~~ 3308-C, subsection ~~7~~ 4, paragraph ~~B~~ C,
12 subparagraph (3) and Title 34-A, section 1216, subsection 1, paragraph F to be used by
13 the reintegration team. Information received pursuant to this subsection is confidential
14 and may not be further disseminated, except as otherwise provided by law.

15 **Sec. 3. 15 MRSA §3010** is enacted to read:

16 **§3010. Dissemination of juvenile history record information by a Maine criminal**
17 **justice agency**

18 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
19 following terms have the following meanings.

20 A. "Administration of criminal justice" has the same meaning as in Title 16, section
21 703, subsection 1.

22 B. "Administration of juvenile justice" means activities relating to the anticipation,
23 prevention, detection, monitoring or investigation of known, suspected or possible
24 juvenile crimes. "Administration of juvenile justice" includes the collection, storage
25 and dissemination of juvenile intelligence and investigative record information
26 relating to the administration of juvenile justice.

27 C. "Confidential juvenile history record information" means all juvenile history
28 record information except public juvenile history record information.

29 D. "Criminal justice agency" has the same meaning as in Title 16, section 803,
30 subsection 4.

31 E. "Dissemination" has the same meaning as in Title 16, section 803, subsection 5.

32 F. "Juvenile history record information" means information of record collected by a
33 criminal justice agency or at the direction of a criminal justice agency or kept in the
34 custody of a criminal justice agency that connects a specific, identifiable juvenile
35 with formal involvement in the juvenile justice system either as a person accused of
36 or adjudicated as having committed a juvenile crime. "Juvenile history record
37 information" includes, but is not limited to, identifiable descriptions or notations of:
38 summonses and arrests; detention; petitions charging a juvenile with a juvenile crime;

1 any disposition stemming from such charges; post-plea or post-adjudication
2 sentencing; involuntary commitment; execution of and completion of any disposition
3 alternatives imposed; release and discharge from involuntary commitment; any
4 related pretrial and post-trial appeals and collateral attacks; and petitions for and
5 warrants of pardons, commutations, reprieves and amnesties. "Juvenile history record
6 information" does not include information of record of civil proceedings, including
7 traffic infractions and other civil violations, or juvenile intelligence and investigative
8 record information. As used in this paragraph, "formal involvement in the juvenile
9 justice system either as a person accused of or adjudicated as having committed a
10 juvenile crime" means being within the jurisdiction of the juvenile justice system
11 commencing with arrest, summons, referral to a juvenile community corrections
12 officer, preliminary investigation or filing of a juvenile petition with the Juvenile
13 Court and concluding with the completion of any informal adjustment or the
14 completion of any disposition entered by the Juvenile Court.

15 G. "Juvenile intelligence and investigative record information" has the same meaning
16 as in section 3308-A, subsection 1, paragraph E.

17 H. "Public juvenile history record information" means information indicating that a
18 juvenile has been adjudicated as having committed a juvenile crime that would
19 constitute murder or a Class A, B or C crime if the juvenile adjudicated were an
20 adult.

21 **2. Juvenile history record information confidential.** Except as provided in
22 subsection 3, juvenile history record information is confidential and not open to public
23 inspection and does not constitute public records as defined in Title 1, section 402,
24 subsection 3.

25 **3. Juvenile history record information pertaining to adjudications.**
26 Notwithstanding subsection 2, if a juvenile has been adjudicated as having committed a
27 juvenile crime that would constitute murder or a Class A, B or C crime if the juvenile
28 adjudicated were an adult, that adjudication and disposition, but no other related juvenile
29 history record information, may be disclosed publicly.

30 **4. Dissemination of confidential juvenile history record information by Maine**
31 **criminal justice agencies.** A Maine criminal justice agency, whether directly or through
32 an intermediary, may disseminate confidential juvenile history record information only
33 to:

34 A. Another criminal justice agency for the purpose of the administration of juvenile
35 justice, the administration of criminal justice or criminal justice agency employment;

36 B. Any person for any purpose when expressly authorized by a statute, court rule,
37 court decision or court order containing language specifically referring to confidential
38 juvenile history record information; or

39 C. A public entity for purposes of international travel, such as issuing visas and
40 granting of citizenship.

41 **5. Confirming existence or nonexistence of confidential juvenile history record**
42 **information.** A Maine criminal justice agency may not confirm the existence or

1 nonexistence of confidential juvenile history record information to any person or public
2 or private entity that is not eligible to receive the information itself.

3 **6. Required inquiry to State Bureau of Identification.** A Maine criminal justice
4 agency, other than a court, shall query the Department of Public Safety, Bureau of State
5 Police, State Bureau of Identification before disseminating any confidential juvenile
6 history record information for a noncriminal justice purpose to ensure that the most up-to-
7 date disposition information is being used. For the purposes of this subsection,
8 "noncriminal justice purpose" means a purpose other than for the administration of
9 juvenile justice, the administration of criminal justice or criminal justice agency
10 employment.

11 **Sec. 4. 15 MRSA §3307**, as amended by PL 2019, c. 525, §16, is further amended
12 to read:

13 **§3307. Publicity and record Disclosure of juvenile's identity**

14 **1-A. Disclosure of juvenile's identity.** A law enforcement officer, officer of the
15 court, juvenile community corrections officer or other representative of the Department of
16 Corrections may not disclose the identity of any juvenile until a petition open to public
17 inspection pursuant to section 3308-C, subsection 2, paragraph A is filed charging the
18 juvenile with a juvenile crime described in subsection 2 with the Juvenile Court or until
19 the court has entered an order allowing public inspection of the juvenile petition pursuant
20 to section 3308-C, subsection 2, paragraph B. This section does not preclude the
21 disclosure of the identity of a juvenile to a complainant or victim, or, if the victim is a
22 minor, to the victim's parent or parents, guardian or legal custodian, if a juvenile
23 community corrections officer decides not to file a petition in accordance with section
24 3301, subsection 5, paragraph A or B or if the juvenile community corrections officer
25 requests the prosecuting attorney to file a petition in accordance with section 3301,
26 subsection 5, paragraph C.

27 This section does not preclude the disclosure of the identity of a juvenile on conditional
28 release pursuant to section 3203-A or on informal adjustment pursuant to section 3301 to
29 a criminal justice agency for the administration of juvenile justice, as "administration of
30 juvenile justice" is defined by section 3010, subsection 1, paragraph B, or to the
31 Department of Health and Human Services if necessary to carry out the statutory
32 functions of that agency.

33 **1-B. Disclosure of juvenile's identity to victim.** Upon request, the identity of a
34 juvenile subject to Juvenile Court proceedings must be disclosed by the Juvenile Court to:

35 A. The victim;

36 B. If the victim is a minor, the parent or parents, guardian or legal custodian of the
37 victim; or

38 C. If the victim cannot act on the victim's own behalf due to death, age, physical or
39 mental disease or disorder or intellectual disability or autism or other reason, an
40 immediate family member, guardian, legal custodian or attorney representing the
41 victim.

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2. Certain hearings public.

~~A. Once a petition is filed, the general public may not be excluded from a proceeding on a juvenile crime that would constitute murder or a Class A, Class B or Class C crime if the juvenile involved were an adult; from a proceeding on a juvenile crime that would constitute a Class D crime if the juvenile involved were an adult and the juvenile has previously been adjudicated of committing a juvenile crime that would constitute a Class D or higher class crime not arising from the same underlying transaction; or from a subsequent dispositional hearing in such cases.~~

~~B. The general public is excluded from all other juvenile hearings and proceedings, except that a juvenile charged with a juvenile crime that would constitute murder or a Class A, Class B or Class C offense and with a juvenile crime that would constitute a juvenile's first Class D offense or Class E offense or with conduct described in section 3103, subsection 1, paragraph B, C or E, arising from the same underlying transaction may elect to have all charges adjudicated in one hearing, and, when a juvenile does so elect, the general public is not excluded from that hearing.~~

~~3. Record. A verbatim record shall be made of all detention, bind over, adjudicatory and dispositional hearings.~~

Sec. 5. 15 MRSA §3308, as amended by PL 2019, c. 525, §17, is repealed.

Sec. 6. 15 MRSA §3308-A, sub-§2, as amended by PL 2019, c. 525, §19, is further amended to read:

2. Information part of juvenile case records. To the extent juvenile intelligence and investigative record information has been made part of the juvenile case records, dissemination of that juvenile intelligence and investigative record information by the court having actual custody of the juvenile case records must be as provided by section 3307 and section 3308 3308-C.

Sec. 7. 15 MRSA §3308-A, sub-§3, ¶D, as amended by PL 2019, c. 525, §21, is further amended by amending subparagraph (2) to read:

(2) A court order pursuant to section 3307 or 3308 3308-C.

Sec. 8. 15 MRSA §3308-C is enacted to read:

§3308-C. Confidentiality of juvenile case records

1. Confidentiality. Juvenile case records are confidential and may not be disclosed, disseminated or inspected except as expressly authorized by this Part.

2. Juvenile petitions open to public inspection. Unless Juvenile Court proceedings are suspended pursuant to section 3318-A, subsection 5, the following juvenile petitions are open to public inspection:

A. Any juvenile petition alleging a violation of Title 17-A, section 201, 202 or 203 subsequent to the juvenile's first appearance in the Juvenile Court if the juvenile involved has attained 13 years of age at the time of the alleged juvenile crime and the

1 court finds there is probable cause to believe the juvenile has committed the juvenile
2 crime alleged. If the juvenile involved has not attained 13 years of age at the time of
3 the alleged juvenile crime, the Juvenile Court may allow public inspection of the
4 juvenile petition pursuant to paragraph B; and

5 B. Any petition alleging a juvenile crime that would constitute murder, a violation of
6 Title 17-A, section 204 or a Class A, B or C crime if the juvenile involved were an
7 adult, when:

8 (1) The juvenile has had a first appearance with respect to the petition in the
9 Juvenile Court;

10 (2) The prosecuting attorney requests in writing that the juvenile petition be open
11 to public inspection;

12 (3) The Juvenile Court finds there is probable cause to believe the juvenile
13 committed a juvenile crime that would constitute murder, a violation of Title
14 17-A, section 204 or a Class A, B or C crime if the juvenile involved were an
15 adult; and

16 (4) After notice to the juvenile and the juvenile's parent or parents, guardian or
17 legal custodian and a hearing in which the Juvenile Court considers the purposes
18 of this Part, the alleged victim's interest in privacy, the nature of the juvenile
19 crime alleged and the characteristics of the juvenile and public safety concerns as
20 outlined in section 3101, subsection 4, paragraph D, the court determines that the
21 general public's right to information substantially outweighs the juvenile's interest
22 in privacy.

23 The names and identifying information regarding any alleged minor victims must be
24 redacted prior to allowing inspection of any juvenile petition.

25 When the State files a request to allow public inspection of a petition under this
26 subsection, the Juvenile Court shall advise the juvenile and the juvenile's parent or
27 parents, guardian or legal custodian of the potential consequences of juvenile case records
28 being available to the public and the juvenile's right to be represented by counsel.

29 **3. Orders of adjudication open to public inspection.** Orders of adjudication for
30 any juvenile crime that would constitute murder or a Class A, B or C crime if the juvenile
31 involved were an adult are open to public inspection. Orders of adjudication for all other
32 juvenile crimes are confidential and not open to public inspection. When an order of
33 adjudication reflects adjudications for both a juvenile crime that would constitute murder
34 or a Class A, B or C crime if the juvenile involved were an adult and another juvenile
35 crime or crimes, information regarding any additional juvenile crimes must be redacted
36 before allowing public inspection of the order of adjudication.

37 **4. Dissemination of information contained in juvenile case records.** The
38 following provisions apply to the dissemination of information contained in juvenile case
39 records.

40 A. For purposes of this subsection, unless the context otherwise indicates, the
41 following terms have the following meanings.

1 (1) "Administration of criminal justice" has the same meaning as in Title 16,
2 section 703, subsection 1.

3 (2) "Administration of juvenile criminal justice" means activities related to the
4 apprehension, summoning, detention, conditional or unconditional release,
5 informal adjustment, initial appearance, bind over, adjudication, disposition,
6 custody and supervision or rehabilitation of accused juvenile or adjudicated
7 juvenile criminal offenders. "Administration of juvenile criminal justice"
8 includes the collection, storage and dissemination of juvenile intelligence and
9 investigative record information and juvenile case records.

10 (3) "Criminal justice agency" has the same meaning as in Title 16, section 703,
11 subsection 4.

12 (4) "Juvenile intelligence and investigative record information" has the same
13 meaning as in section 3308-A, subsection 1, paragraph E.

14 B. Nothing in this section precludes sharing of any information contained in juvenile
15 case records by one criminal justice agency with another criminal justice agency for
16 the administration of criminal justice or administration of juvenile criminal justice or
17 for criminal justice agency employment.

18 C. Nothing in this section precludes dissemination of any information contained in
19 juvenile case records if:

20 (1) The juvenile has been adjudicated as having committed a juvenile crime;

21 (2) The information is disseminated by and to persons who directly supervise or
22 report on the health, behavior or progress of the juvenile, the superintendent of
23 the juvenile's school and the superintendent's designees, criminal justice agencies
24 or agencies that are or might become responsible for the health or welfare of the
25 juvenile as a result of a court order or by agreement with the Department of
26 Corrections or the Department of Health and Human Services; and

27 (3) The information is relevant to and disseminated only for the purpose of
28 creating or maintaining an individualized plan for the juvenile's rehabilitation,
29 including reintegration into a school.

30 Any information received under this paragraph is confidential and may not be further
31 disclosed or disseminated, except as otherwise provided by law.

32 D. Nothing in this section precludes dissemination of any information in the juvenile
33 case records in the possession of the Department of Corrections if the person
34 concerning whom the juvenile case records are sought, the person's legal guardian, if
35 any, and, if the person is a minor, the person's parent or parents, guardian or legal
36 custodian have given informed written consent to the dissemination of the juvenile
37 case records.

38 E. Except as expressly authorized by this section, juvenile intelligence and
39 investigative record information, juvenile community corrections officers' records
40 and all other reports of social and clinical studies contained in juvenile case records
41 may not be open to inspection or disclosed or disseminated except with the consent of
42 the court. The names and identifying information regarding any alleged victims and

1 minors contained in the juvenile case records must be redacted prior to disclosure,
2 dissemination or inspection.

3 The Juvenile Court may not order the disclosure, dissemination or inspection of
4 juvenile case records unless the juvenile, the juvenile's attorney or, if the juvenile
5 does not have an attorney, the juvenile's attorney of record and the prosecuting
6 attorney are given notice of the request and an opportunity to be heard regarding the
7 request. In deciding whether to allow the disclosure, dissemination or inspection of
8 any portion of juvenile case records under this paragraph, the court shall consider the
9 purposes of this Part and the reasons for which the request is being made and may
10 restrict the disclosure, dissemination or inspection of the juvenile case records in any
11 manner the court determines necessary or appropriate.

12 F. When a juvenile who is adjudicated of a juvenile crime that if committed by an
13 adult would be gross sexual assault under Title 17-A, section 253, subsection 1 is
14 committed to a Department of Corrections juvenile correctional facility or placed on
15 probation, the Department of Corrections shall provide, while the juvenile is
16 committed or on probation, a copy of the juvenile's judgment and commitment to the
17 Department of Health and Human Services, to all law enforcement agencies that have
18 jurisdiction in those areas where the juvenile may reside, work or attend school and to
19 the superintendent of any school system in which the juvenile attends school during
20 the period of commitment or probation. The Department of Corrections shall provide
21 a copy of the juvenile's judgment and commitment to all licensed and registered day
22 care facility operators located in the municipality where the juvenile resides, works or
23 attends school during the period of commitment or probation. Upon request, the
24 Department of Corrections shall also provide a copy of the juvenile's judgment and
25 commitment to other entities that are involved in the care of children and are located
26 in the municipality where the juvenile resides, works or attends school during the
27 period of commitment or probation. The Department of Corrections may provide a
28 copy of the juvenile's judgment and commitment to any other agency or person who
29 the Department of Corrections determines is appropriate to ensure public safety.
30 Neither the failure of the Department of Corrections to perform the requirements of
31 this paragraph nor compliance with this paragraph subjects the Department of
32 Corrections or its employees to liability in a civil action.

33 G. Juvenile case records must be open to inspection by and, upon request, be
34 disseminated to the juvenile, the juvenile's parent or parents, guardian or legal
35 custodian, the juvenile's attorney, the prosecuting attorney and any agency to which
36 legal custody of the juvenile was transferred as a result of an adjudication. Juvenile
37 case records must also be open to inspection by and, upon request, be disseminated to
38 the Department of Health and Human Services prior to adjudication if commitment to
39 the Department of Health and Human Services is a proposed disposition.

40 **5. Victim access to juvenile case records.** Notwithstanding confidentiality
41 provisions of this section, the juvenile petition and order of adjudication may be inspected
42 by:

43 A. The victim;

1 B. If the victim is a minor, the parent or parents, guardian or legal custodian of the
2 victim; or

3 C. If the victim cannot act on the victim's own behalf due to death, age, physical or
4 mental disease or disorder or intellectual disability or autism or other reason, an
5 immediate family member, guardian, legal custodian or attorney representing the
6 victim.

7 Notwithstanding any other provision of this section to the contrary, juvenile case records
8 must be open to inspection by or may be disseminated to the Victims' Compensation
9 Board established in Title 5, section 12004-J, subsection 11 if a juvenile is alleged to
10 have committed an offense upon which an application to the board is based.

11 **6. Access to juvenile case records by other persons.** With the consent of the court
12 and subject to reasonable limitations to protect the identity, privacy and safety of 3rd
13 parties, including, but not limited to, victims and other accused or adjudicated juveniles,
14 and the interests of justice, juvenile case records, excluding the names of the juvenile and
15 the juvenile's parent or parents, guardian or legal custodian, the juvenile's attorney or any
16 other parties, may be inspected by or disseminated to persons having a legitimate interest
17 in the proceedings or by persons conducting pertinent research studies.

18 **7. Order following determination that juvenile case records are open to public**
19 **inspection, disclosure or dissemination.** Following a determination that a juvenile
20 petition, order of adjudication or other juvenile case records are open to public inspection,
21 disclosure or dissemination under this section, the Juvenile Court shall enter an order
22 specifying which juvenile case records may be inspected, disclosed or disseminated and
23 identifying the individual or agency granted access to those juvenile case records.

24 **8. Records to Secretary of State.** Whenever a juvenile has been adjudicated as
25 having committed a juvenile crime involving the operation of a motor vehicle, the court
26 shall transmit to the Secretary of State an abstract, duly certified, setting forth the name of
27 the juvenile, the offense, the date of the offense, the date of the adjudicatory hearing and
28 any other pertinent facts. These juvenile case records are admissible in evidence in
29 hearings conducted by the Secretary of State or any of the Secretary of State's deputies
30 and are open to public inspection.

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

34 **9. Transmission of information about a committed juvenile.** Information
35 regarding a juvenile committed to the custody of the Department of Corrections or the
36 custody of the Department of Health and Human Services must be provided as follows:

37 A. The court shall transmit with the commitment order a copy of the petition, the
38 order of adjudication, copies of any social studies, any clinical or educational reports
39 and information pertinent to the care and treatment of the juvenile; and

40 B. The Department of Corrections or the Department of Health and Human Services
41 shall provide the court with any information concerning the juvenile that the court at
42 any time may request.

1 **10. Juvenile case records sealed.** This subsection governs the sealing of juvenile
2 case records of a person adjudicated as having committed a juvenile crime.

3 A. A person adjudicated as having committed a juvenile crime may petition the court
4 to seal from public inspection all juvenile case records pertaining to the juvenile
5 crime and its disposition and to any prior juvenile case records and their dispositions
6 if:

7 (1) At least 3 years have passed since the person's discharge from the disposition
8 ordered for that juvenile crime;

9 (2) Since the date of disposition, the person has not been adjudicated as having
10 committed a juvenile crime and has not been convicted of committing a crime;
11 and

12 (3) There are no current adjudicatory proceedings pending for a juvenile or other
13 crime.

14 B. The court may grant the petition if it finds that the requirements of paragraph A
15 are satisfied, unless it finds that the general public's right to information substantially
16 outweighs the juvenile's interest in privacy.

17 C. Notwithstanding subsection 4, paragraphs E and G and subsections 5 and 6, a
18 court order sealing juvenile case records pursuant to this subsection permits only the
19 following persons to have access to the sealed records:

20 (1) The courts and criminal justice agencies as provided by this section; and

21 (2) The person whose juvenile case records are sealed or that person's designee.

22 D. If a petition is granted pursuant to this subsection, the person may respond to
23 inquiries from other than the courts and criminal justice agencies about that person's
24 juvenile crimes, the juvenile case records of which have been sealed, as if the
25 juvenile crimes had never occurred, without being subject to any sanctions.

26 **Sec. 9. 15 MRSA §3308-D** is enacted to read:

27 **§3308-D. Confidentiality of Juvenile Court proceedings**

28 **1. Record.** A verbatim record must be made of all Juvenile Court proceedings.

29 **2. Certain hearings public.** Unless proceedings on a juvenile petition are
30 suspended under section 3318-A, subsection 5, the general public may not be excluded
31 from any Juvenile Court hearing subsequent to the juvenile's first appearance in the
32 Juvenile Court when the juvenile petition is open to public inspection under section
33 3308-C, subsection 2 or from any Juvenile Court hearing on a State's motion for bind
34 over under section 3101, subsection 4.

35 **3. Hearings on petitions alleging multiple juvenile crimes.** When a juvenile
36 petition open to public inspection under section 3308-C, subsection 2 alleges a juvenile
37 crime that would constitute a Class D or E crime if the juvenile involved were an adult or
38 a violation of section 3103, subsection 1, paragraph B or C arising from the same course
39 of conduct, the juvenile may elect to have all the charges adjudicated in one hearing, and

1 when a juvenile does so elect, the general public is not excluded from Juvenile Court
2 hearings on that petition.

3 **4. Victim presence at hearings.** Regardless of whether a Juvenile Court proceeding
4 is open to the general public, the following persons may be present in court:

5 A. The victim;

6 B. If the victim is a minor, the victim's parent or parents, guardian or legal custodian;
7 or

8 C. If the victim cannot act on the victim's own behalf due to death, age, physical or
9 mental disease or disorder or intellectual disability or autism or other reason, an
10 immediate family member, guardian, legal custodian or attorney representing the
11 victim.

12 **Sec. 10. 15 MRSA §3318-A, sub-§5,** as enacted by PL 2011, c. 282, §4, is
13 amended to read:

14 **5. Suspension of juvenile proceedings.** ~~Pending a competency examination~~ When
15 the issue of a juvenile's competency to proceed is raised by the juvenile, by the State or
16 sua sponte by the Juvenile Court, the Juvenile Court shall suspend the proceeding on the
17 petition. All juvenile case records, including a petition that is otherwise open to public
18 inspection under section 3308-C, subsection 2, paragraph A, are confidential and may not
19 be open to public inspection while the proceeding remains suspended. All Juvenile Court
20 hearings conducted while the proceeding on a juvenile petition is suspended pursuant to
21 this subsection are confidential and not open to the general public. The suspension
22 remains in effect pending the outcome of a competency determination hearing pursuant to
23 subsection 7. Suspension of the proceeding does not affect the Juvenile Court's ability to
24 detain or release the juvenile pursuant to section 3203-A, subsection 5.

25 **Sec. 11. 15 MRSA §3506-A, sub-§7,** as enacted by PL 1989, c. 126, §2, is
26 amended to read:

27 **7. Public proceeding; exception.** ~~Notwithstanding section 3307, subsection 2,~~
28 ~~paragraph B, the~~ The court shall may not exclude the public unless the minor or the
29 minor's parent or parents, guardian or custodian; requests that the public be excluded and
30 the minor or the minor's parent or parents, guardian or custodian; does not object. If the
31 public is excluded, only the parties, their attorneys, court officers and witnesses may be
32 present.

33 **Sec. 12. 20-A MRSA §1055, sub-§12,** as amended by PL 2003, c. 205, §7, is
34 further amended to read:

35 **12. Reintegration team.** Within 10 days after receiving information from the
36 Department of Corrections pursuant to Title 15, section 3009, the superintendent shall
37 convene a reintegration team to carry out reintegration planning pursuant to section 254,
38 subsection 12. The reintegration team must consist of the administrator of the school or
39 the administrator's designee; at least one classroom teacher to whom the student will be
40 assigned or who is involved in the school's student assistance team; a parent, guardian or

1 custodian of the student; and a guidance counselor. The reintegration team is entitled to
2 receive the information described in Title 15, section ~~3308~~ 3308-C, subsection 7 4,
3 paragraph ~~B-1~~ C, subparagraph (3) and Title 34-A, section 1216, subsection 1, paragraph
4 F. The reintegration team shall also determine, on the basis of need, which school
5 employees may receive that information.

6 Confidentiality of the criminal justice information regarding juveniles must be ensured at
7 all times and the information may be released by a member of the reintegration team only
8 under the conditions of this subsection. The superintendent shall ensure that
9 confidentiality training is provided to all school employees who have access to the
10 information.

11 **Sec. 13. 20-A MRSA §6001-B, sub-§3-A**, as amended by PL 2003, c. 205, §8, is
12 further amended to read:

13 **3-A. Determination of status of juvenile applying for admission; discretion of**
14 **school to accept juvenile.** If the receiving school administrative unit receives
15 information under Title 15, section ~~3308~~ 3308-C, subsection 7 4, paragraph ~~B-1~~ C,
16 subparagraph (3) and Title 34-A, section 1216, subsection 1, paragraph F that a student is
17 not in compliance with a condition of an individualized plan for the juvenile's
18 rehabilitation and that condition is relevant to the juvenile's reintegration into the school,
19 the receiving school administrative unit may deny admission or participation in public
20 school programs, facilities or activities as part of an equivalent instruction program
21 pursuant to section 5021 until the school administrative unit is satisfied that the condition
22 has been met.

23 **Sec. 14. 34-A MRSA §1001, sub-§21**, as enacted by PL 1987, c. 633, §1, is
24 amended to read:

25 **21. Administration of juvenile criminal justice.** "Administration of juvenile
26 criminal justice" has the same meaning as in Title 15, section ~~3308~~ 3308-C, subsection 7
27 4, paragraph A, subparagraph (2).

28 **Sec. 15. 34-A MRSA §1216, sub-§1, ¶D**, as amended by PL 2017, c. 432, Pt. F,
29 §2, is further amended to read:

30 D. To any criminal justice agency if necessary to carry out the administration of
31 criminal justice as defined in Title 16, section 703, subsection 1, the administration of
32 criminal justice as defined in Title 16, section 803, subsection 2, the administration of
33 juvenile criminal justice as defined in Title 15, section ~~3308~~ 3308-C, subsection 7 4,
34 paragraph A, subparagraph (2), the administration of juvenile justice as defined in
35 Title 15, section 3308-A, subsection 1, paragraph A or for criminal justice agency
36 employment;

37 SUMMARY

38 This bill defines "confidential juvenile history record information" and "public
39 juvenile history record information" and creates statutory authority governing the
40 dissemination of juvenile history record information by a Maine criminal justice agency

1 to create consistency between which juvenile case records may be open to public
2 inspection at the courts and information that may be shared publicly by a criminal justice
3 agency.

4 It modifies the Maine Juvenile Code to limit access to juvenile case records and
5 reorganize existing provisions based on whether they allow disclosure of a juvenile's
6 identity, allow inspection of juvenile case records, allow dissemination of juvenile case
7 records or allow the general public access to Juvenile Court proceedings. It provides that
8 a victim or an agent of the victim may inspect the juvenile petition and order of
9 adjudication regardless of whether the general public may do so.

10 This bill allows automatic public inspection of juvenile petitions only if the petition
11 alleges murder, felony murder or manslaughter and the juvenile has attained 13 years of
12 age at the time of the offense. Petitions alleging that a juvenile under 13 years of age has
13 committed murder, felony murder, manslaughter, aiding or soliciting suicide or any crime
14 that would be a Class A, B or C crime may be open to public inspection only if
15 authorized by court order. Juvenile petitions may be open to public inspection only after
16 the juvenile's first appearance in the Juvenile Court to ensure that the Juvenile Court has
17 determined there is probable cause to believe the juvenile committed the crime alleged
18 and there is no assertion that the juvenile is not competent to proceed in the Juvenile
19 Court.

20 It provides that only orders of adjudication for juvenile crimes that would constitute
21 murder or Class A, B or C crimes if the juvenile were an adult are open to public
22 inspection and dissemination by a court or criminal justice agency.

23 It clarifies that the general public may not be excluded from any Juvenile Court
24 proceeding when a juvenile petition is open to public inspection pursuant to statute or
25 court order. A victim or an agent of the victim may be present at all court proceedings
26 regardless of whether the proceeding is open to the general public.

27 It makes all juvenile case records and all Juvenile Court proceedings confidential
28 when Juvenile Court proceedings are suspended due to an assertion by the juvenile, the
29 State or the court that the juvenile may not be competent to proceed in the Juvenile Court.
30 Juvenile case records and Juvenile Court proceedings remain confidential unless the
31 Juvenile Court proceedings resume after the juvenile is found competent.