

MAINE STATE LEGISLATURE

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Date: 3/10/21

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JUDICIARY

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STATE OF MAINE

SENATE

130TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 35, L.D. 27, "An Act To Provide an Immediate Opportunity To Appeal for a Juvenile Bound Over into Criminal Court"

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 15 MRSA §3402, sub-§1, ¶B, as amended by PL 1997, c. 645, §11, is further amended to read:

B. An order of disposition, or of any subsequent order modifying disposition, for an abuse of discretion; and

Sec. 2. 15 MRSA §3402, sub-§1, ¶D, as amended by PL 2005, c. 488, §2, is further amended to read:

D. A detention order entered pursuant to section 3203-A, subsection 5 or any refusal to alter a detention order upon petition of the juvenile pursuant to section 3203-A, subsection 11, for abuse of discretion, provided that the appeal must be handled expeditiously; and

Sec. 3. 15 MRSA §3402, sub-§1, ¶H is enacted to read:

H. An order binding a juvenile over for prosecution as an adult, which may be taken following issuance of the bind-over order, or, at the election of the appellant, following a judgment of conviction as an adult, but not both.

Sec. 4. 15 MRSA §3402, sub-§2-A, as enacted by PL 2015, c. 100, §3, is repealed.'

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

SUMMARY

This amendment replaces the bill. The bill revised the timing of a juvenile's appeal of the bind-over decision from after conviction as an adult to immediately after the Juvenile Court's bind-over decision.

COMMITTEE AMENDMENT

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This amendment provides the juvenile with the choice of when to appeal: either immediately after the bind-over decision, as proposed in the bill, or after conviction as an adult, should that occur, as provided in current law. A juvenile who appeals the bind-over decision immediately, loses that appeal and is tried as an adult and is convicted does not have the opportunity to appeal again.

FISCAL NOTE REQUIRED

(See attached)



130th MAINE LEGISLATURE

LD 27

LR 227(02)

An Act To Provide an Immediate Opportunity To Appeal for a Juvenile Bound Over into Criminal Court

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-15)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.