

MAINE STATE LEGISLATURE

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L.D. 847

Date: 6-10-21

(Filing No. H-551)

MAJORITY
CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 615, L.D. 847, "An Act To Divert Older Youth from the Adult Criminal Justice System"

Amend the bill by striking out the title and substituting the following:

'An Act To Divert Young Adults from the Adult Criminal Justice System'

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

'Sec. 1. 17-A MRSA §10-B is enacted to read:

§10-B. Jurisdiction over young adults; required procedures

1. For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Diversion" means providing information on community-based programs or services that address the daily living needs of a young adult, including but not limited to the need for housing assistance; health care; behavioral health or substance use disorder assessment, treatment and services; restorative justice; social services and mentoring; and employment services.

B. "Young adult" means a person 18 to 25 years of age.

2. Notwithstanding any provision of law to the contrary, the summons, arrest and criminal prosecution of a young adult and court proceedings regarding that young adult are governed by the following.

A. Prior to issuing a summons to or arresting a young adult for the first time for a Class E crime, a law enforcement officer shall issue a warning or require that the young adult be diverted to a program or to other services appropriate to the young adult.

B. Prior to issuing a summons to or arresting a young adult for a Class C, Class D or Class E crime, a law enforcement officer shall determine whether diversion, instead of issuing the summons or arresting the young adult, is a more appropriate course of action. If a law enforcement officer determines pursuant to this paragraph that diversion

COMMITTEE AMENDMENT

1 is a more appropriate course of action, the law enforcement officer shall provide to the
2 young adult the information on diversion resources available in the prosecutorial
3 district prepared pursuant to subsection 3.

4 C. Prior to commencing a criminal case against a young adult for a Class C, Class D or
5 Class E crime, a prosecutor shall determine whether diversion, instead of commencing
6 a criminal case against the young adult, is a more appropriate course of action. If the
7 prosecutor determines pursuant to this paragraph that diversion is a more appropriate
8 course of action, the prosecutor shall provide to the young adult the information on
9 diversion resources available in the prosecutorial district prepared pursuant to
10 subsection 3.

11 D. Prior to a criminal court proceeding against a young adult for a Class C, Class D or
12 Class E crime, the court shall determine whether diversion, instead of a criminal court
13 proceeding against the young adult, is a more appropriate course of action. If the court
14 determines pursuant to this paragraph that diversion is a more appropriate course of
15 action, the court shall provide to the young adult the information on diversion resources
16 available in the prosecutorial district prepared pursuant to subsection 3.

17 3. Each district attorney shall prepare and update as needed information on diversion
18 resources available in that district attorney's prosecutorial district or a neighboring district
19 for young adults diverted from the adult criminal justice system pursuant to this section.

20 **Sec. 2. Effective date.** This Act takes effect January 1, 2022.'

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

23 SUMMARY

24 This amendment is the majority report of the committee. This amendment replaces the
25 bill. This amendment defines "diversion" and "young adult."

26 The amendment requires diversion to programs and services for young adults as
27 follows:

28 1. Prior to issuing a summons to or arresting a young adult for the first time for a Class
29 E crime, a law enforcement officer is required to issue a warning or require that the young
30 adult be diverted to a program or to other services appropriate to the young adult;

31 2. Prior to issuing a summons to or arresting a young adult for a Class C, Class D or
32 Class E crime, a law enforcement officer is required to determine whether diversion,
33 instead of issuing the summons or arresting the young adult, is a more appropriate course
34 of action. If the law enforcement officer determines that diversion is a more appropriate
35 course of action, the law enforcement officer is required to provide information on
36 diversion resources available in the prosecutorial district;

37 3. Prior to commencing a criminal case against a young adult for a Class C, Class D
38 or Class E crime, a prosecutor is required to determine whether diversion, instead of
39 commencing a criminal case against the young adult, is a more appropriate course of action.
40 If the prosecutor determines that diversion is a more appropriate course of action, the
41 prosecutor is required to provide information on diversion resources available in the
42 prosecutorial district; and

1 4. Prior to a criminal court proceeding against a young adult for a Class C, Class D or
2 Class E crime, the court is required to determine whether diversion, instead of a criminal
3 court proceeding against the young adult, is a more appropriate course of action. If the court
4 determines that diversion is a more appropriate course of action, the court is required to
5 provide information on diversion resources available in the prosecutorial district.

6 The amendment provides an effective date of January 1, 2022.

7 **FISCAL NOTE REQUIRED**

8 (See attached)



Approved: 06/05/21 *MAC*

130th MAINE LEGISLATURE

LD 847

LR 1811(02)

An Act To Divert Older Youth from the Adult Criminal Justice System

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

A (H-551)

Fiscal Note

Potential future biennium savings - General Fund

Fiscal Detail and Notes

The bill requires that during a summons, arrest, criminal prosecution or court proceeding for a class E, D or C crime of a young adult a diversion program be considered instead. To the extent that more individuals are entered into diversion programs and are no longer incarcerated, correctional costs will decrease. The current average cost of incarcerating an individual for one day in a correctional facility is \$151.24, totaling \$55,203 per year.