

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1676

H.P. 1247

House of Representatives, May 5, 2021

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

Received by the Clerk of the House on May 3, 2021. Referred to the Committee on
Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative TALBOT ROSS of Portland.
Cosponsored by Senator CARNEY of Cumberland and
Representatives: BRENNAN of Portland, Speaker FECTEAU of Biddeford, HARNETT of
Gardiner, MORIARTY of Cumberland, O'NEIL of Saco, Senators: BAILEY of York,
LAWRENCE of York, SANBORN of Cumberland.

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2 **Sec. 1. 15 MRSA §709, sub-§1-B**, as enacted by PL 2011, c. 507, §1, is repealed.

3 **Sec. 2. 15 MRSA §709, sub-§1-C**, as enacted by PL 2015, c. 470, §6, is amended
4 to read:

5 **1-C. Administration of juvenile justice.** "Administration of juvenile justice" has the
6 same meaning as in section ~~3308-A~~ 3003, subsection ~~1~~, ~~paragraph A~~ 1-A.

7 **Sec. 3. 15 MRSA §712, sub-§2**, as amended by PL 2015, c. 470, §8, is further
8 amended to read:

9 **2. Investigative officers.** It is not a violation of this chapter for an investigative
10 officer, or for another employee of the Department of Corrections authorized to exercise
11 law enforcement powers as described in Title 34-A, section 3011, to intercept, disclose or
12 use that communication in the normal course of employment while engaged in any activity
13 that is related to the administration of criminal justice as defined in Title 16, section 703,
14 subsection 1 for the purposes of the Criminal History Record Information Act or as defined
15 in Title 16, section 803, subsection 2 for the purposes of the Intelligence and Investigative
16 Record Information Act; or while engaged in any activity that is related to the
17 ~~administration of juvenile justice; or while engaged in any activity that is related to the~~
18 ~~administration of juvenile criminal justice~~ if:

19 A. Either the sender or receiver of that communication is a person residing in an adult
20 or juvenile correctional facility administered by the Department of Corrections; and

21 B. Notice of the possibility of interception is provided in a way sufficient to make the
22 parties to the communication aware of the possibility of interception, which includes:

23 (1) Providing the resident with a written notification statement;

24 (2) Posting written notification next to every telephone at the facility that is subject
25 to monitoring; and

26 (3) Informing the recipient of a telephone call from the resident by playing a
27 recorded warning before the recipient accepts the call.

28 This subsection does not authorize any interference with the attorney-client privilege.

29 **Sec. 4. 15 MRSA §713, sub-§2**, as amended by PL 2015, c. 470, §10, is further
30 amended to read:

31 **2. Contents obtained under this chapter.** The contents of an interception of any oral
32 communication or wire communication that has been legally obtained pursuant to section
33 712, subsection 2 or 3 are admissible in the courts of this State, subject to the Maine Rules
34 of Evidence, if related to the administration of criminal justice as defined in Title 16,
35 section 703, subsection 1 for the purposes of the Criminal History Record Information Act
36 or as defined in Title 16, section 803, subsection 2 for the purposes of the Intelligence and
37 Investigative Record Information Act; the administration of juvenile justice; ~~the~~
38 ~~administration of juvenile criminal justice~~; or the statutory functions of a state agency.

39 **Sec. 5. 15 MRSA §3003, sub-§1-A** is enacted to read:

40 **1-A. Administration of juvenile justice.** "Administration of juvenile justice" means
41 activities related to the anticipation, prevention, detection, monitoring or investigation of

1 known, suspected or possible juvenile crimes and the apprehension or summoning,
2 detention, conditional or unconditional release, informal adjustment, initial appearance,
3 bind-over, adjudication, disposition, custody and supervision or rehabilitation of accused
4 juveniles or adjudicated juvenile criminal offenders. "Administration of juvenile justice"
5 includes the collection, storage and dissemination of juvenile case records and juvenile
6 intelligence and investigative record information relating to the administration of juvenile
7 justice.

8 **Sec. 6. 15 MRSA §3003, sub-§19-C** is enacted to read:

9 **19-C. Order of adjudication.** "Order of adjudication" means any document,
10 including but not limited to a judgment and commitment order including conditions of
11 juvenile probation if imposed, any dismissal form or any written order that constitutes the
12 final disposition of a juvenile petition.

13 **Sec. 7. 15 MRSA §3003, sub-§28** is enacted to read:

14 **28. Victim.** "Victim" has the same meaning as in Title 17-A, section 2101, subsection
15 2.

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

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

24 **Sec. 9. 15 MRSA §3010** is enacted to read:

25 **§3010. Dissemination of juvenile history record information by a Maine criminal**
26 **justice agency**

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

29 A. "Confidential juvenile history record information" means all juvenile history record
30 information except public juvenile history record information.

31 B. "Criminal justice agency" has the same meaning as in Title 16, section 703,
32 subsection 4.

33 C. "Dissemination" has the same meaning as in Title 16, section 703, subsection 6.

34 D. "Executive order" has the same meaning as in Title 16, section 703, subsection 7.

35 E. "Juvenile history record information" means information of record collected by a
36 criminal justice agency or at the direction of a criminal justice agency or kept in the
37 custody of a criminal justice agency that connects a specific, identifiable juvenile with
38 formal involvement in the juvenile justice system either as a person accused of or
39 adjudicated as having committed a juvenile crime. "Juvenile history record
40 information" includes, but is not limited to, identifiable descriptions or notations of:
41 summonses and arrests; detention; petitions charging a juvenile with a juvenile crime
42 or any disposition stemming from such charges; post-plea or post-adjudication

1 disposition; execution of and completion of any disposition alternatives imposed;
2 release and discharge from involuntary commitment; any related pretrial and post-trial
3 appeals; collateral attacks; and petitions for and warrants of pardons, commutations,
4 reprieves and amnesties. "Juvenile history record information" does not include
5 information of record of civil proceedings, including traffic infractions and other civil
6 violations or juvenile intelligence and investigative record information as defined in
7 section 3308-A, subsection 1, paragraph E. As used in this paragraph, "formal
8 involvement in the juvenile justice system either as a person accused of or adjudicated
9 as having committed a juvenile crime" means being within the jurisdiction of the
10 juvenile justice system commencing with arrest, summons, referral to a juvenile
11 community corrections officer, preliminary investigation or filing of a juvenile petition
12 with the Juvenile Court and concluding with the completion of any informal adjustment
13 agreement or the completion of any disposition entered by the Juvenile Court.

14 F. "Public juvenile history record information" means information indicating that a
15 juvenile has been adjudicated as having committed a juvenile crime that would
16 constitute murder or a Class A, B or C crime if the juvenile adjudicated were an adult
17 and any resulting disposition imposed.

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

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

27 **4. Dissemination of juvenile history record information by Maine criminal justice**
28 **agency.** A Maine criminal justice agency, whether directly or through any intermediary,
29 may disseminate confidential juvenile history record information only to:

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

32 B. Any person for any purpose when expressly authorized by a statute, court rule, court
33 decision or court order containing language specifically referring to confidential
34 juvenile history record information or one or more of the types of confidential juvenile
35 history record information; or

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

38 **5. Required inquiry to State Bureau of Identification.** A Maine criminal justice
39 agency, other than a court, shall query the Department of Public Safety, State Bureau of
40 Identification before disseminating any confidential juvenile history record information for
41 a noncriminal justice purpose to ensure that the most up-to-date disposition information is
42 being used. For purposes of this subsection, "noncriminal justice purpose" means a purpose
43 other than for the administration of juvenile justice, the administration of criminal justice
44 or criminal justice agency employment.

1 **6. Unlawful dissemination of confidential juvenile history record information.**
2 Any person who intentionally or knowingly disseminates confidential juvenile history
3 record information commits a civil violation for which a fine of not more than \$1,000 may
4 be adjudged. The District Court has jurisdiction over violations under this subsection.

5 **Sec. 10. 15 MRSA §3307**, as amended by PL 2019, c. 525, §16, is further amended
6 to read:

7 **§3307. Publicity and record Disclosure of juvenile's identity**

8 **1-A. Disclosure of juvenile's identity.** A law enforcement officer, officer of the court,
9 juvenile community corrections officer or other representative of the Department of
10 Corrections may not disclose the identity of any juvenile until a petition is ~~filed charging~~
11 ~~the juvenile with a juvenile crime described in subsection 2~~ open to public inspection
12 pursuant to section 3308-C, subsection 2, paragraph A, B or C. This section does not
13 preclude the disclosure of the identity of a juvenile to a complainant or victim ~~if a juvenile~~
14 ~~community corrections officer decides not to file a petition in accordance with section~~
15 ~~3301, subsection 5, paragraph A or B or if the juvenile community corrections officer~~
16 ~~requests the prosecuting attorney to file a petition in accordance with section 3301,~~
17 ~~subsection 5, paragraph C, or, if the victim is a minor, to the victim's parent or parents,~~
18 ~~guardian or legal custodian, to a criminal justice agency for the administration of juvenile~~
19 ~~justice or to the Department of Health and Human Services if necessary to carry out the~~
20 ~~statutory functions of that department, regardless of whether a petition has been or will be~~
21 ~~filed.~~

22 This section does not preclude the disclosure of the identity of a juvenile on conditional
23 release pursuant to section 3203-A or on informal adjustment pursuant to section 3301 to
24 a criminal justice agency for the administration of juvenile justice, or to the Department of
25 Health and Human Services if necessary to carry out the statutory functions of that
26 department.

27 **1-B. Disclosure of juvenile's identity to victim.** Upon request, the identity of a
28 juvenile subject to Juvenile Court proceedings must be disclosed by the Juvenile Court to:

29 A. The victim;

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

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

36 **2. Certain hearings public.**

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

1 B. ~~The general public is excluded from all other juvenile hearings and proceedings,~~
2 ~~except that a juvenile charged with a juvenile crime that would constitute murder or a~~
3 ~~Class A, Class B or Class C offense and with a juvenile crime that would constitute a~~
4 ~~juvenile's first Class D offense or Class E offense or with conduct described in section~~
5 ~~3103, subsection 1, paragraph B, C or E, arising from the same underlying transaction~~
6 ~~may elect to have all charges adjudicated in one hearing, and, when a juvenile does so~~
7 ~~elect, the general public is not excluded from that hearing.~~

8 **3. Record.** A verbatim record shall must be made of all detention, bind over,
9 adjudicatory and dispositional hearings.

10 **Sec. 11. 15 MRSA §3308**, as amended by PL 2019, c. 525, §17, is repealed.

11 **Sec. 12. 15 MRSA §3308-A, sub-§1, ¶A**, as enacted by PL 2013, c. 267, Pt. D,
12 §1, is repealed.

13 **Sec. 13. 15 MRSA §3308-A, sub-§1, ¶C-1** is enacted to read:

14 C-1. "Dissemination" has the same meaning as in Title 16, section 703, subsection 6.

15 **Sec. 14. 15 MRSA §3308-A, sub-§2**, as amended by PL 2019, c. 525, §19, is
16 further amended to read:

17 **2. Information part of juvenile case records.** To the extent juvenile intelligence and
18 investigative record information has been made part of the juvenile case records,
19 dissemination of that juvenile intelligence and investigative record information by the court
20 having actual custody of the juvenile case records must be as provided by section ~~3307 and~~
21 ~~section 3308~~ 3308-C, subsection 4.

22 **Sec. 15. 15 MRSA §3308-A, sub-§3, ¶B-2** is enacted to read:

23 B-2. A governmental agency or subunit of a governmental agency in this State or
24 another state that pursuant to statute is responsible for investigating abuse, neglect or
25 exploitation of children or a governmental agency in this State or another state
26 responsible for the licensing of child care facilities, family child care providers or
27 children's camp programs or their employees;

28 **Sec. 16. 15 MRSA §3308-A, sub-§3, ¶D**, as amended by PL 2019, c. 525, §21, is
29 further amended by amending subparagraph (2) to read:

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

31 **Sec. 17. 15 MRSA §3308-A, sub-§4**, as enacted by PL 2019, c. 525, §22, is
32 amended to read:

33 **4. Dissemination of juvenile intelligence and investigative record information**
34 **subject to reasonable limitations.** The dissemination of juvenile intelligence and
35 investigative record information by a criminal justice agency pursuant to subsection 3,
36 paragraphs B, B-1, B-2 and D is subject to limitations to reasonably ensure that
37 dissemination of the information will not:

38 A. Interfere with law enforcement proceedings relating to crimes;

39 B. Result in public dissemination of prejudicial information concerning an accused
40 person or concerning the prosecution's evidence that will interfere with the ability of a
41 court to impanel an impartial jury;

- 1 C. Constitute an unwarranted invasion of personal privacy, including, but not limited
- 2 to, the personal privacy of juveniles and victims;
- 3 D. Disclose the identity of a confidential source;
- 4 E. Disclose confidential information furnished only by a confidential source;
- 5 F. Disclose investigative techniques and procedures or security plans and procedures
- 6 not known by the general public;
- 7 G. Endanger the life or physical safety of any individual, including law enforcement
- 8 personnel;
- 9 H. Disclose information designated confidential by statute; and
- 10 I. Interfere with proceedings relating to civil violations, civil enforcement proceedings
- 11 and other civil proceedings conducted by the Department of the Attorney General or
- 12 by a district attorney's office.

13 To comply with this subsection a criminal justice agency may deny access in whole or in
 14 part to records that contain or constitute juvenile intelligence and investigative record
 15 information. A criminal justice agency also may prepare and provide redacted copies of
 16 such records to a person or public or private entity authorized to receive the information
 17 under this section.

18 **Sec. 18. 15 MRSA §3308-A, sub-§7** is enacted to read:

19 **7. Unlawful dissemination of confidential juvenile intelligence and investigative**
 20 **record information.** Any person who intentionally or knowingly disseminates
 21 confidential juvenile intelligence and investigative record information commits a civil
 22 violation for which a fine of not more than \$1,000 may be adjudged. The District Court
 23 has jurisdiction over violations under this subsection.

24 **Sec. 19. 15 MRSA §3308-C** is enacted to read:

25 **§3308-C. Confidentiality of juvenile case records**

26 **1. Confidentiality.** Juvenile case records are confidential and may not be disclosed,
 27 disseminated or inspected except as expressly authorized by this Part. Juvenile case records
 28 open to public inspection may be inspected only at the courthouse. The court may not
 29 disseminate any juvenile case records, including those open to public inspection, to the
 30 public in any manner, including by any paper or electronic means.

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

34 **A.** Any juvenile petition alleging a violation of Title 17-A, section 201, 202 or 203 if
 35 the juvenile charged had attained 13 years of age at the time of the alleged juvenile
 36 crime, if:

- 37 **(1)** The juvenile had a first appearance with respect to the petition in the Juvenile
 38 Court at least 30 days prior to the request for inspection of the petition; and
- 39 **(2)** The Juvenile Court has found there is probable cause to believe the juvenile
 40 committed a juvenile crime that would be a violation of Title 17-A, section 201,
 41 202 or 203 if the juvenile involved were an adult.

1 If the juvenile had not attained 13 years of age at the time of the alleged violation of
2 Title 17-A, section 201, 202 or 203, the Juvenile Court may allow public inspection of
3 the juvenile petition pursuant to paragraph C;

4 B. Any juvenile petition alleging a juvenile crime that would constitute a Class A
5 crime if committed by an adult if the juvenile charged had attained 13 years of age at
6 the time of the alleged juvenile crime, if:

7 (1) The juvenile had a first appearance with respect to the petition in the Juvenile
8 Court at least 30 days prior to the request for inspection of the petition; and

9 (2) The Juvenile Court has found there is probable cause to believe the juvenile
10 committed a juvenile crime that would be a Class A crime if the juvenile involved
11 were an adult.

12 If the juvenile had not attained 13 years of age at the time of the juvenile crime that
13 would constitute a Class A crime if committed by an adult, the Juvenile Court may
14 allow public inspection of the juvenile petition pursuant to paragraph C.

15 A petition open to public inspection under this paragraph may be made confidential
16 and not open to public inspection if, upon written request by a person to the Juvenile
17 Court, and after notice to the juvenile and the juvenile's parent or parents, guardian or
18 legal custodian, the attorney for the juvenile and the office of the prosecuting attorney,
19 and after a hearing in which the Juvenile Court considers the purposes of this Part, the
20 juvenile's and alleged victim's interest in privacy, the nature of the juvenile crime
21 alleged and the characteristics of the juvenile and public safety concerns as outlined in
22 section 3101, subsection 4, paragraph D, the court determines that the general public's
23 right to information does not substantially outweigh the juvenile's interest in privacy;
24 and

25 C. Any petition alleging a juvenile crime that would constitute murder or a Class A
26 crime if committed by an adult and the juvenile charged had not attained 13 years of
27 age at the time of the alleged juvenile crime, or any petition alleging a juvenile of any
28 age committed a juvenile crime that would constitute a Class B or C crime if committed
29 by an adult, if:

30 (1) The juvenile had a first appearance with respect to the petition in the Juvenile
31 Court at least 30 days prior to the request for inspection of the petition;

32 (2) A written request is filed by any person with the Juvenile Court requesting that
33 the juvenile petition be open to public inspection;

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

37 (4) After notice to the juvenile and the juvenile's parent or parents, guardian or
38 legal custodian, the attorney for the juvenile, the office of the prosecuting attorney
39 and the individual or entity requesting the juvenile petition be open to public
40 inspection and a hearing in which the Juvenile Court considers the purposes of this
41 Part, the alleged victim's interest in privacy, the nature of the juvenile crime alleged
42 and the characteristics of the juvenile and public safety concerns as outlined in
43 section 3101, subsection 4, paragraph D, the court determines that the general

1 public's right to information substantially outweighs the juvenile's interest in
2 privacy.

3 In a juvenile petition alleging multiple juvenile crimes, the juvenile crime that would
4 constitute the highest class of crime if the juvenile were an adult determines whether the
5 petition is open to public inspection.

6 The Juvenile Court shall redact the names and identifying information of any alleged minor
7 victims prior to the inspection of a juvenile petition.

8 If a request to allow public inspection of a petition under this subsection has been filed, the
9 Juvenile Court shall advise the juvenile and the juvenile's parent or parents, guardian or
10 legal custodian that the request has been made and shall advise them of the juvenile's right
11 to be represented by counsel. The court may not allow the public to inspect a juvenile
12 petition pursuant to paragraph C until authorized by court order.

13 **3. Orders of adjudication open to public inspection.** Orders of adjudication for any
14 juvenile crime that would constitute murder or a Class A, B or C crime if the juvenile
15 involved were an adult are open to public inspection. Orders of adjudication for all other
16 juvenile crimes are confidential and not open to public inspection. When an order of
17 adjudication reflects adjudications for both a juvenile crime that would constitute murder
18 or a Class A, B or C crime if the juvenile involved were an adult and another juvenile crime
19 or crimes not constituting murder or a Class A, B or C crime if the juvenile involved were
20 an adult, information regarding any additional juvenile crimes must be redacted before
21 allowing public inspection of the order of adjudication.

22 **4. Dissemination of information contained in juvenile case records.** The following
23 provisions apply to the dissemination of information contained in juvenile case records.

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

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

28 (2) "Criminal justice agency" has the same meaning as in Title 16, section 703,
29 subsection 4.

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

32 B. Nothing in this section precludes sharing of any information contained in juvenile
33 case records by one criminal justice agency with another criminal justice agency for
34 the purpose of administration of criminal justice, administration of juvenile justice or
35 criminal justice agency employment.

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

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

39 (2) The information is disseminated by and to persons who directly supervise or
40 report on the health, behavior or progress of the juvenile, the superintendent of the
41 juvenile's school and the superintendent's designees, criminal justice agencies or
42 agencies that are or might become responsible for the health or welfare of the

1 juvenile as a result of a court order or by agreement with the Department of
2 Corrections or the Department of Health and Human Services; and

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

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

8 D. Nothing in this section precludes dissemination of any information in the juvenile
9 case records in the possession of the Department of Corrections if the person
10 concerning whom the juvenile case records are sought, the juvenile, the person's legal
11 guardian, if any, and, if the person is a minor, the person's parent or parents, guardian
12 or legal custodian have given informed written consent to the dissemination of the
13 juvenile case records.

14 E. Except as expressly authorized by this section, juvenile intelligence and
15 investigative record information, juvenile community corrections officers' records and
16 all other reports of social and clinical studies contained in juvenile case records may
17 not be open to inspection and may not be disclosed or disseminated except with the
18 consent of the Juvenile Court. The names and identifying information regarding any
19 alleged victims and minors contained in the juvenile case records must be redacted
20 prior to disclosure, dissemination or inspection.

21 The Juvenile Court may not order the disclosure, dissemination or inspection of
22 juvenile case records unless the juvenile, the juvenile's parent or parents, guardian or
23 legal custodian and either the juvenile's attorney or, if the juvenile does not have an
24 attorney, the juvenile's attorney of record and the prosecuting attorney are given notice
25 of the request and an opportunity to be heard regarding the request. In deciding
26 whether to allow the disclosure, dissemination or inspection of any portion of juvenile
27 case records under this paragraph, the Juvenile Court shall consider the purposes of
28 this Part and the reasons for which the request is being made and may restrict the
29 disclosure, dissemination or inspection of the juvenile case records in any manner the
30 court determines necessary or appropriate.

31 F. When a juvenile who is adjudicated as having committed a juvenile crime that if
32 committed by an adult would be gross sexual assault under Title 17-A, section 253,
33 subsection 1 is committed to a Department of Corrections juvenile correctional facility
34 or placed on probation, the Department of Corrections shall provide, while the juvenile
35 is committed or on probation, a copy of the juvenile's judgment and commitment to the
36 Department of Health and Human Services, to all law enforcement agencies that have
37 jurisdiction in those areas where the juvenile resides, works or attends school and to
38 the superintendent of any school in which the juvenile attends school during the period
39 of commitment or probation. The Department of Corrections shall provide a copy of
40 the juvenile's judgment and commitment to all licensed day care facility operators
41 located in the municipality where the juvenile resides, works or attends school during
42 the period of commitment or probation. Upon request, the Department of Corrections
43 shall also provide a copy of the juvenile's judgment and commitment to other entities
44 that are involved in the care of children and are located in the municipality where the
45 juvenile resides, works or attends school during the period of commitment or probation.

1 The Department of Corrections may provide a copy of the juvenile's judgment and
2 commitment to any other agency or person that the Department of Corrections
3 determines is appropriate to ensure public safety. Neither the failure of the Department
4 of Corrections to perform the requirements of this paragraph nor compliance with this
5 paragraph subjects the Department of Corrections or its employees to liability in a civil
6 action.

7 G. Juvenile case records must be open to inspection by and, upon request, be
8 disseminated to the juvenile, the juvenile's parent or parents, guardian or legal
9 custodian, the juvenile's attorney, the prosecuting attorney and any agency to which
10 legal custody of the juvenile was transferred as a result of an adjudication. Juvenile
11 case records must also be open to inspection by and, upon request, be disseminated to
12 the Department of Health and Human Services prior to adjudication if commitment to
13 the Department of Health and Human Services is a proposed disposition.

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

17 A. The victim;

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

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

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

28 **6. Access to juvenile case records by other persons.** With the consent of the Juvenile
29 Court and subject to reasonable limitations to protect the identity, privacy and safety of 3rd
30 parties, including, but not limited to, victims and other accused or adjudicated juveniles,
31 and the interests of justice, juvenile case records, excluding the names of the juvenile and
32 the juvenile's parent or parents, guardian or legal custodian, the juvenile's attorney or any
33 other parties, may be inspected by or disseminated to persons having a legitimate interest
34 in the proceedings or by persons conducting pertinent research studies.

35 **7. Order following determination that juvenile case records are open to public**
36 **inspection, disclosure or dissemination.** Following a determination that a juvenile
37 petition, order of adjudication or other juvenile case records are open to public inspection,
38 disclosure or dissemination under this section, the Juvenile Court shall enter an order
39 specifying which juvenile case records may be inspected, disclosed or disseminated and
40 identifying the individual or agency granted access to those juvenile case records. The
41 Juvenile Court may restrict the further disclosure, dissemination or inspection of the
42 juvenile case records in any manner the court determines necessary or appropriate.

43 **8. Records to Secretary of State.** Whenever a juvenile has been adjudicated as having
44 committed a juvenile crime involving the operation of a motor vehicle, or when the Juvenile

1 Court has ordered a disposition pursuant to section 3314, subsection 3, 3-A, or 3-B that
2 includes suspension of the juvenile's right to operate a motor vehicle, the court shall
3 transmit to the Secretary of State an abstract, duly certified, setting forth the name of the
4 juvenile, the offense, the date of the offense, the date of the adjudicatory hearing and any
5 other pertinent facts. These juvenile case records are admissible in evidence in hearings
6 conducted by the Secretary of State or any of the Secretary of State's deputies and are open
7 to public inspection.

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

11 **9. Transmission of information about a committed juvenile.** Information regarding
12 a juvenile committed to the custody of the Department of Corrections or the custody of the
13 Department of Health and Human Services must be provided as follows.

14 A. The Juvenile Court shall transmit with the commitment order a copy of the petition,
15 the order of adjudication, copies of any social studies, any clinical or educational
16 reports and information pertinent to the care and treatment of the juvenile.

17 B. The Department of Corrections or the Department of Health and Human Services
18 shall provide the Juvenile Court with any information concerning the juvenile
19 committed to either department's custody that the court at any time may request.

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

22 A. A person adjudicated as having committed a juvenile crime that, if the juvenile
23 were an adult, would constitute murder or a Class A, B or C crime or operating under
24 the influence as defined in Title 29-A, section 2411 may petition the Juvenile Court to
25 seal from public inspection all juvenile case records pertaining to the juvenile crime
26 and its disposition and any prior juvenile case records and their dispositions if:

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

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

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

33 B. The Juvenile Court may grant the petition filed under paragraph A if the court finds
34 that the requirements of paragraph A are satisfied, unless the court finds that the general
35 public's right to information substantially outweighs the juvenile's interest in privacy.
36 The juvenile has a right to appeal the court's denial of the juvenile's petition to seal as
37 provided in chapter 509.

38 C. At the time a person adjudicated to have committed a juvenile crime other than a
39 crime listed in paragraph A is finally discharged from the disposition imposed for that
40 juvenile crime, the court, upon receipt of appropriate notice of the discharge, shall
41 immediately enter an order sealing from public inspection all records pertaining to the
42 juvenile crime and its disposition. Appropriate notice that the juvenile is discharged
43 from the disposition:

1 (1) Must be provided to the court by the Department of Corrections if the juvenile's
2 disposition involved either commitment to the custody of a Department of
3 Corrections juvenile correctional facility, a period of confinement not to exceed 30
4 days or any suspended disposition with a period of probation;

5 (2) Must be provided to the court by the office of the prosecuting attorney if
6 disposition included restitution, community service or a restorative justice event
7 and the court ordered that proof of completion of the obligation be provided to the
8 office of the prosecuting attorney; or

9 (3) May be provided to the court by the juvenile or the juvenile's attorney. If the
10 notice is provided by the juvenile or the juvenile's attorney, the juvenile or the
11 juvenile's attorney shall serve a copy of the notice on the office of the prosecuting
12 attorney before the court may enter the order sealing the juvenile case records.

13 D. Notwithstanding subsections 2 and 3, subsection 4, paragraphs C, D and F and
14 subsections 5 and 6, a court order sealing juvenile case records pursuant to this
15 subsection permits only the following persons to have access to the sealed juvenile case
16 records:

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

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

19 E. A copy of the court's written order certifying its granting of the juvenile's petition
20 to seal juvenile case records pursuant to paragraph B or its order of immediate sealing
21 pursuant to paragraph C must be provided to the Department of Public Safety, State
22 Bureau of Identification if the adjudication is for a juvenile crime the criminal records
23 of which are maintained by the State Bureau of Identification pursuant to Title 25,
24 section 1541. The State Bureau of Identification or the appropriate agency upon receipt
25 of the order shall promptly update its records relating to each of the juvenile
26 adjudications included in the order.

27 F. A person whose juvenile case records are sealed pursuant to this subsection may
28 respond to inquiries from other than the courts and criminal justice agencies about that
29 person's juvenile crimes, the juvenile case records of which have been sealed, as if the
30 juvenile crimes had never occurred, without being subject to any sanctions. The sealing
31 of a person's juvenile case records does not remove or otherwise affect the prohibition
32 against that person's possessing a firearm pursuant to section 393.

33 **11. Unlawful dissemination of confidential juvenile case record information.** Any
34 person who intentionally or knowingly disseminates information contained in confidential
35 juvenile case records commits a civil violation for which a fine of not more than \$1,000
36 may be adjudged. The District Court has jurisdiction over violations under this subsection.

37 **Sec. 20. 15 MRSA §3308-D** is enacted to read:

38 **§3308-D. Confidentiality of Juvenile Court proceedings**

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

40 **2. Certain hearings public.** Unless proceedings on a juvenile petition are suspended
41 under section 3318-A, subsection 5, the general public may not be excluded from any
42 Juvenile Court hearing subsequent to the juvenile's first appearance in the Juvenile Court
43 after the juvenile petition is open to public inspection under section 3308-C, subsection 2

1 or from any Juvenile Court hearing on a State's motion for bind-over under section 3101,
2 subsection 4.

3 **3. Hearings on petitions alleging multiple juvenile crimes.** When a juvenile petition
4 open to public inspection under section 3308-C, subsection 2 alleges a juvenile crime that
5 would constitute a Class D or Class E crime if the juvenile involved were an adult or a
6 violation of section 3103, subsection 1, paragraph B or C arising from the same course of
7 conduct, the Juvenile Court may order that charges alleging conduct that would be a Class
8 D or Class E crime if the juvenile involved were an adult or a violation of section 3103,
9 subsection 1, paragraph B or C be adjudicated in a separate hearing. When the Juvenile
10 Court so orders, the general public must be excluded from the hearing on alleged conduct
11 that would constitute a Class D or Class E crime if the juvenile were an adult or a violation
12 of section 3103, subsection 1, paragraph B or C.

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

15 A. The victim;

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

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

22 **Sec. 21. 15 MRSA §3318-A, sub-§5,** as enacted by PL 2011, c. 282, §4, is amended
23 to read:

24 **5. Suspension of juvenile proceedings.** Pending a competency examination, the
25 Juvenile Court shall suspend the proceeding on the petition. All juvenile case records,
26 including a petition that is otherwise open to public inspection under section 3308-C,
27 subsection 2, are confidential and are not subject to inspection, dissemination or release by
28 the court. The suspension remains in effect pending the outcome of a competency
29 determination hearing pursuant to subsection 7. Suspension of the proceeding does not
30 affect the Juvenile Court's ability to detain or release the juvenile pursuant to section
31 3203-A, subsection 5.

32 **Sec. 22. 15 MRSA §3318-A, sub-§7,** as enacted by PL 2011, c. 282, §4, is amended
33 to read:

34 **7. Post-examination report and hearing.** Following receipt of the competency
35 examination report from the State Forensic Service examiner, the Juvenile Court shall
36 provide copies of the report to the parties and hold a competency determination hearing.
37 All hearings conducted pursuant to this subsection are confidential and not open to the
38 general public. Only counsel for the State, counsel for the juvenile, the juvenile, the
39 juvenile's parent or parents, guardian or legal custodian, the juvenile community
40 corrections officer and witnesses presenting testimony may be present in a hearing to
41 determine a juvenile's competency to proceed in the Juvenile Court. If the Juvenile Court
42 finds that the juvenile is competent to proceed based upon the burden and standard of proof
43 pursuant to subsection 8, the Juvenile Court shall set a time for the resumption of the

1 proceedings. If the Juvenile Court is not satisfied that the juvenile is competent to proceed,
2 the Juvenile Court shall determine how to proceed pursuant to section 3318-B.

3 The court may consider the report of the State Forensic Service examiner, together with all
4 other evidence relevant to the issue of competency, in its determination whether the
5 juvenile is competent to proceed. No single criterion set forth in subsection 6 may be
6 binding on the court's determination.

7 **Sec. 23. 15 MRSA §3318-A, sub-§7-A** is enacted to read:

8 **7-A. Victim may inspect final order regarding juvenile's competency.**
9 Notwithstanding subsection 7, the following persons may inspect the Juvenile Court's order
10 pursuant to subsection 7 or order of disposition pursuant to section 3318-B, subsection 1,
11 paragraph B or subsection 2, paragraph A:

12 A. The victim;

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

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

19 **Sec. 24. 15 MRSA §3506-A, sub-§7**, as enacted by PL 1989, c. 126, §2, is amended
20 to read:

21 **7. Public proceeding; exception.** ~~Notwithstanding section 3307, subsection 2,~~
22 ~~paragraph B, the~~ The court shall may not exclude the public unless the minor or the minor's
23 parent or parents, guardian or legal custodian, requests that the public be excluded and the
24 minor or the minor's parent or parents, guardian or legal custodian, does not object. If the
25 public is excluded, only the parties, their attorneys, court officers and witnesses may be
26 present.

27 **Sec. 25. 15 MRSA c. 514** is enacted to read:

28 **CHAPTER 514**

29 **CIVIL REMEDY FOR UNLAWFUL DISCLOSURE OF CONFIDENTIAL**
30 **RECORDS, INFORMATION**

31 **§3701. Civil actions by aggrieved persons authorized**

32 **1. Authorization.** A person about whom confidential records or information has been
33 disclosed in knowing or intentional violation of section 3010, subsection 6 or section
34 3308-A, subsection 4, or that person's parent or parents, guardian or legal custodian, may
35 initiate and prosecute in that person's own name and on that person's own behalf a civil
36 action for the relief described in this section.

37 **2. Jurisdiction.** An action under subsection 1 must be instituted in the District Court
38 for the county where the alleged violator resides or has a principal place of business.

1 **3. Relief.** A person who brings and prevails in a civil action pursuant to this section
2 is entitled to injunctive relief, reimbursement of court costs and reasonable attorney's fees,
3 an award of actual damages of up to \$5,000 and award of punitive damages.

4 **Sec. 26. 16 MRSA §803, sub-§3,** as enacted by PL 2013, c. 267, Pt. A, §3, is
5 amended to read:

6 **3. Administration of juvenile justice.** "Administration of juvenile justice" means
7 activities relating to the anticipation, prevention, detection, monitoring or investigation of
8 known, suspected or possible juvenile crimes. "Administration of juvenile justice" includes
9 the collection, storage and dissemination of intelligence and investigative information
10 relating to the administration of juvenile justice has the same meaning as in Title 15, section
11 3003, subsection 1-A.

12 **Sec. 27. 20-A MRSA §1055, sub-§12,** as amended by PL 2003, c. 205, §7, is
13 further amended to read:

14 **12. Reintegration team.** Within 10 days after receiving information from the
15 Department of Corrections pursuant to Title 15, section 3009, the superintendent shall
16 convene a reintegration team to carry out reintegration planning pursuant to section 254,
17 subsection 12. The reintegration team must consist of the administrator of the school or
18 the administrator's designee; at least one classroom teacher to whom the student will be
19 assigned or who is involved in the school's student assistance team; a parent, guardian or
20 custodian of the student; and a guidance counselor. The reintegration team is entitled to
21 receive the information described in Title 15, section ~~3308~~ 3308-C, subsection ~~7~~ 4,
22 paragraph ~~B-1~~ C, subparagraph (3) and Title 34-A, section 1216, subsection 1, paragraph
23 F. The reintegration team shall also determine, on the basis of need, which school
24 employees may receive that information.

25 Confidentiality of the ~~criminal justice~~ information regarding juveniles received from the
26 Department of Corrections must be ensured at all times and the information may be released
27 by a member of the reintegration team only under the conditions of this subsection. The
28 superintendent shall ensure that confidentiality training is provided to all school employees
29 who have access to the information.

30 **Sec. 28. 20-A MRSA §6001-B, sub-§3-A,** as amended by PL 2003, c. 205, §8, is
31 further amended to read:

32 **3-A. Determination of status of juvenile applying for admission; discretion of**
33 **school to accept juvenile.** If the receiving school administrative unit receives information
34 under Title 15, section ~~3308~~ 3308-C, subsection ~~7~~ 4, paragraph ~~B-1~~ C, subparagraph (3)
35 and Title 34-A, section 1216, subsection 1, paragraph F that a student is not in compliance
36 with a condition of an individualized plan for the juvenile's rehabilitation and that condition
37 is relevant to the juvenile's reintegration into the school, the receiving school administrative
38 unit may deny admission or participation in public school programs, facilities or activities
39 as part of an equivalent instruction program pursuant to section 5021 until the school
40 administrative unit is satisfied that the condition has been met.

41 **Sec. 29. 25 MRSA §2929, sub-§2, ¶B,** as amended by PL 2019, c. 339, §6, is
42 further amended to read:

43 B. A public safety answering point may disclose confidential information to a criminal
44 justice agency, as defined in Title 16, section 803, subsection 4, for the purposes of the

1 administration of criminal justice, as defined in Title 16, section 803, subsection 2, and
2 the administration of juvenile justice, as defined in Title 15, section ~~3308-A~~ 3003,
3 subsection ~~1, paragraph A 1-A~~, related to a 9-1-1 call;

4 **Sec. 30. 25 MRSA §2929, sub-§4, ¶B**, as amended by PL 2019, c. 339, §7, is
5 further amended to read:

6 B. To a criminal justice agency, as defined in Title 16, section 803, subsection 4, for
7 the purposes of the administration of criminal justice, as defined in Title 16, section
8 803, subsection 2, and the administration of juvenile justice, as defined in Title 15,
9 section ~~3308-A~~ 3003, subsection ~~1, paragraph A 1-A~~, related to a 9-1-1 call;

10 **Sec. 31. 34-A MRSA §1001, sub-§10-A**, as amended by PL 2015, c. 470, §14, is
11 further amended to read:

12 **10-A. Investigative officer.** "Investigative officer" means an employee of the
13 department designated by the commissioner as having the authority to conduct
14 investigations of crimes or juvenile crimes relating to the security or orderly management
15 of a facility administered by the department and engage in any other activity that is related
16 to the administration of criminal justice as defined in Title 16, section 703, subsection 1 for
17 the purposes of the Criminal History Record Information Act or as defined in Title 16,
18 section 803, subsection 2 for the purposes of the Intelligence and Investigative Record
19 Information Act, ~~the administration of juvenile criminal justice~~ or the administration of
20 juvenile justice and who is certified by the Board of Trustees of the Maine Criminal Justice
21 Academy as a full-time law enforcement officer.

22 **Sec. 32. 34-A MRSA §1001, sub-§21**, as enacted by PL 1987, c. 633, §1, is
23 repealed.

24 **Sec. 33. 34-A MRSA §1001, sub-§22**, as enacted by PL 2015, c. 470, §16, is
25 amended to read:

26 **22. Administration of juvenile justice.** "Administration of juvenile justice" has the
27 same meaning as in Title 15, section ~~3308-A~~ 3003, subsection ~~1, paragraph A 1-A~~.

28 **Sec. 34. 34-A MRSA §1214, sub-§4**, as amended by PL 2015, c. 470, §17, is
29 further amended to read:

30 **4. Confidentiality.** Requests for action by the office must be treated confidentially
31 and may be disclosed only to a state agency if necessary to carry out the statutory functions
32 of that agency or to a criminal justice agency if necessary to carry out the administration of
33 criminal justice as defined in Title 16, section 703, subsection 1 or the administration of
34 juvenile ~~criminal~~ justice. In no case may a victim's request for notice of release be disclosed
35 outside the department and the office of the attorney for the State with which the request
36 was filed.

37 **Sec. 35. 34-A MRSA §1216, sub-§1, ¶D**, as amended by PL 2017, c. 432, Pt. F,
38 §2, is further amended to read:

39 D. To any criminal justice agency if necessary to carry out the administration of
40 criminal justice as defined in Title 16, section 703, subsection 1, the administration of
41 criminal justice as defined in Title 16, section 803, subsection 2, ~~the administration of~~
42 ~~juvenile criminal justice as defined in Title 15, section 3308, subsection 7, paragraph~~
43 ~~A, subparagraph (2), or~~ the administration of juvenile justice as defined in Title 15,

1 section 3308-A 3003, subsection 1, paragraph A 1-A or for criminal justice agency
2 employment;

3 **Sec. 36. 34-A MRSA §3011, sub-§1**, as amended by PL 2015, c. 470, §19, is
4 further amended to read:

5 **1. Exercise of law enforcement powers.** Investigative officers and other employees
6 of the department who are certified by the Board of Trustees of the Maine Criminal Justice
7 Academy as law enforcement officers may exercise the powers of other law enforcement
8 officers with respect to crimes or juvenile crimes relating to the security or orderly
9 management of a facility and engage in any other activity that is related to the
10 administration of criminal justice as defined in Title 16, section 703, subsection 1 for the
11 purposes of the Criminal History Record Information Act or as defined in Title 16, section
12 803, subsection 2 for the purposes of the Intelligence and Investigative Record Information
13 Act, ~~the administration of juvenile criminal justice~~ or the administration of juvenile justice,
14 if authorized to exercise these powers by the commissioner. These employees may issue
15 administrative subpoenas, if authorized to exercise these powers by the commissioner and
16 by the Attorney General or the Attorney General's designee. These powers are in addition
17 to any powers the employees may otherwise have as employees of the department. Internal
18 investigations of employees of the department must be conducted pursuant to any
19 applicable collective bargaining agreement.

20 SUMMARY

21 This bill defines "confidential juvenile history record information" and "public juvenile
22 history record information" and creates statutory authority governing the dissemination of
23 juvenile history record information by a Maine criminal justice agency to create
24 consistency between which juvenile case records may be open to public inspection at the
25 courts and information that may be shared publicly by a criminal justice agency. It provides
26 a definition of "administration of juvenile justice" for all of the Maine Juvenile Code and
27 amends several provisions to make consistent the use of the term "administration of
28 juvenile justice" and deletes the term "administration of juvenile criminal justice."

29 It modifies the Maine Juvenile Code to limit access to juvenile case records maintained
30 by Juvenile Courts and reorganizes existing provisions based on whether they allow
31 disclosure of a juvenile's identity, allow inspection of juvenile case records, allow
32 dissemination of juvenile case records or allow the general public access to Juvenile Court
33 proceedings. It provides that a victim or an agent of the victim may inspect the juvenile
34 petition and order of adjudication regardless of whether the general public may do so.

35 This bill allows automatic public inspection of a juvenile petition only if the petition
36 alleges murder, felony murder or manslaughter, the juvenile has attained 13 years of age at
37 the time of the offense and at least 30 days have passed since the juvenile's first appearance
38 in the Juvenile Court. A juvenile petition that alleges a juvenile who was at least 13 years
39 of age when the juvenile committed a Class A crime are open to public inspection 30 days
40 after the juvenile's first appearance unless the court orders the petition confidential. A
41 juvenile petition alleging that a juvenile under 13 years of age committed murder or a Class
42 A crime and a petition alleging a juvenile of any age committed a Class B or Class C crime
43 are confidential unless the Juvenile Court authorizes public inspection.

1 A juvenile petition may be open to public inspection 30 days after the juvenile's first
2 appearance in the Juvenile Court to ensure that the Juvenile Court has determined there is
3 probable cause to believe the juvenile committed the crime alleged and there is no assertion
4 that the juvenile is not competent to proceed in the Juvenile Court.

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

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

12 It provides for the automatic sealing of juvenile case records for crimes that, if the
13 juvenile were an adult, would constitute Class D crimes, other than operating under the
14 influence, or Class E crimes upon the completion of the disposition ordered by the Juvenile
15 Court. The sealing procedure would remain unchanged for Class A, Class B and Class C
16 crimes and murder.

17 It makes all juvenile case records and all Juvenile Court proceedings confidential when
18 Juvenile Court proceedings are suspended due to an assertion by the juvenile, the State or
19 the court that the juvenile may not be competent to proceed in the Juvenile Court. Juvenile
20 case records and Juvenile Court proceedings remain confidential unless the Juvenile Court
21 proceedings resume after the juvenile is found competent.

22 This bill creates a new civil cause of action for a person about whom confidential
23 records or information has been disclosed in knowing or intentional violation of the Maine
24 Revised Statutes, Title 15, section 3010, subsection 6 or section 3308-A, subsection 4. A
25 person who brings and prevails in such a civil action is entitled to injunctive relief,
26 reimbursement of court costs and reasonable attorney's fees, an award of actual damages
27 of up to \$5,000 and award of punitive damages. It also creates a new civil violation for
28 which any person who intentionally or knowingly disseminates confidential juvenile
29 history may be fined up to \$1,000.