

MAINE STATE LEGISLATURE

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STATE OF MAINE
130TH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

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December 2021

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JOINT STANDING COMMITTEE ON JUDICIARY

LD 1617 An Act To Amend the Victim Services Laws To Define "Restorative Justice"

ENACTED LAW SUMMARY

Public Law 2021, chapter 355 borrows from the definition of "restorative justice program" in the Maine Juvenile Code to define "restorative justice" as used by the Office of Victim Services within the Department of Corrections. The Office of Victim Services is currently responsible for assisting victims with obtaining victim compensation, restitution and other benefits of restorative justice.

LD 1676 An Act To Limit Access to Juvenile Case Records and Protect the Confidentiality of Juvenile History Record Information

ENACTED LAW SUMMARY

Public Law 2021, chapter 365 defines "confidential juvenile history record information" and "public juvenile history record information" and creates statutory authority governing the dissemination of juvenile history record information by a Maine criminal justice agency to create consistency between which juvenile case records may be open to public inspection at the courts and information that may be shared publicly by a criminal justice agency. It provides a definition of "administration of juvenile justice" for all of the Maine Juvenile Code and amends several provisions to make consistent the use of the term "administration of juvenile justice" and deletes the term "administration of juvenile criminal justice."

Chapter 365 modifies the Maine Juvenile Code to limit access to juvenile case records maintained by Juvenile Courts and reorganizes existing provisions based on whether they allow disclosure of a juvenile's identity, allow inspection of juvenile case records, allow dissemination of juvenile case records or allow the general public access to Juvenile Court proceedings. It provides that a victim or an agent of the victim may inspect the juvenile petition and order of adjudication regardless of whether the general public may do so.

Chapter 365 allows automatic public inspection of a juvenile petition only if the petition alleges murder, felony murder or manslaughter and the juvenile has attained 13 years of age at the time of the offense. A juvenile petition that alleges a Class A crime by a juvenile who has attained 13 years of age at the time of the offense, is open to public inspection unless the court orders the petition confidential. A juvenile petition alleging that a juvenile under 13 years of age committed murder or a Class A crime and a petition alleging a juvenile of any age committed a Class B or Class C crime are confidential unless the Juvenile Court authorizes public inspection.

Chapter 365 provides that competency orders may be inspected by the victim of the juvenile crime in all cases. The public may inspect competency orders only when the proceeding to which the order relates is publicly accessible.