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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 6, L.D. 42, “An Act Regarding the Bind-over and Detention of Juveniles”

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

'Sec. 1. 15 MRSA §3101, sub-§4, ¶E-2, as amended by PL 2015, c. 409, §3, is further amended to read:

E-2. If Except as provided in paragraph E-3, if the Juvenile Court binds a juvenile over for prosecution as an adult and has directed the detention of the juvenile, if the juvenile attains 18 years of age and is being detained, the juvenile must be detained in an adult section of a jail.

Sec. 2. 15 MRSA §3101, sub-§4, ¶E-3 is enacted to read:

E-3. The following provisions govern a stay of detention of a juvenile in an adult section of a jail pending indictment.

(1) The Department of Corrections may request that a juvenile who would otherwise be detained in an adult section of a jail be detained in a detention facility approved or operated by the department exclusively for juveniles, referred to in this paragraph as a "juvenile facility," under the following conditions:

(a) The juvenile is ordered detained pending the return of an indictment, including any period of time the juvenile is detained pending an appeal of the order binding the juvenile over for prosecution as an adult taken following the issuance of the bind-over order;

(b) The request is made to the Juvenile Court at least 14 days prior to the bind-over hearing or, if the juvenile will not have attained 18 years of age at the time of the hearing, at least 30 days prior to the juvenile attaining 18 years of age; and

(c) Notice of the request is provided by the department to the prosecuting attorney and the attorney for the juvenile.

COMMITTEE AMENDMENT

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2. It requires a Juvenile Court to include in its order for the bind-over hearing its decision regarding the stay of detention in an adult section of a jail if the request is made prior to the bind-over hearing.

3. It allows for the department to request that the Juvenile Court rescind an order granting stay of detention at an adult facility if it is no longer appropriate for the juvenile.

4. It clarifies that a person may not be detained in a detention facility approved or operated by the department exclusively for juveniles if the person has attained 18 years of age and an indictment has been returned or if the person attains 21 years of age.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT