

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Ensure Confidentiality of Juvenile Case Records

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §3301, sub-§6, as amended by PL 2007, c. 196, §2, is further amended to read:

6. Review by attorney for the State. If the juvenile community corrections officer decides not to request the attorney for the State to file a petition, the juvenile community corrections officer shall inform the attorney for the State, the complainant, the law enforcement officer and the victim of the decision and of the reasons for the decision as soon as practicable. The juvenile community corrections officer shall advise the complainant, the law enforcement officer and the victim that they may submit their complaint to the attorney for the State for review.

If the juvenile community corrections officer makes a determination pursuant to subsection 5, paragraph A or B and decides not to request the attorney for the State to file a petition for a violation of Title 22, section 2389, subsection 2 or Title 28-A, section 2052, the juvenile community corrections officer shall inform the Secretary of State of the violation. The Secretary of State shall suspend for a period of 30 days that juvenile's license or permit to operate a motor vehicle, right to operate a motor vehicle and right to apply for and obtain a license. The suspension may not be made public or become part of a juvenile's driving record or motor vehicle record.

The attorney for the State on that attorney's own motion or upon receiving a request for review by the law enforcement officer, the complainant or the victim, shall consider the facts of the case, consult with the juvenile community corrections officer who made the initial decision and then make a final decision as to whether to file the petition. The attorney for the State shall notify the juvenile community corrections officer of the final decision within 30 days of being informed by the juvenile community corrections officer of the initial decision. If a juvenile community corrections officer has not yet made an initial decision, the attorney for the State may file a petition at any time more than 30 days after the juvenile community corrections officer has been given notice pursuant to section 3203-A.

Sec. 2. 15 MRSA §3308, sub-§6, as amended by PL 1995, c. 65, Pt. A, §47 and affected by §153 and Pt. C, §15, is further amended to read:

6. Records to Secretary of State. Whenever a juvenile has been adjudicated as having committed a juvenile crime involving the operation of a motor vehicle, the court shall forthwith transmit to the Secretary of State an abstract, duly certified, setting forth the name of the juvenile, the offense, the date of the offense, the date of the adjudicatory hearing and any other pertinent facts. These records are admissible in evidence in hearings conducted by the Secretary of State or any of the Secretary of State's deputies and are open to public inspection but may be used only for purposes of those hearings and may not be made public or become part of a juvenile's driving record or motor vehicle record.

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

SUMMARY

This bill specifies that, when the Secretary of State receives notice from a juvenile community corrections officer that a juvenile has violated the law prohibiting illegal transportation of drugs by a minor or the law prohibiting illegal transportation of liquor by a minor, the Secretary of State's suspension of that juvenile's license or permit to operate a motor vehicle, right to operate a motor vehicle and right to apply for and obtain a license may not be made public or become part of a juvenile's driving record or motor vehicle record.

The bill also specifies that, when a juvenile has been adjudicated as having committed a juvenile crime involving the operation of a motor vehicle, and the court transmits records containing the details of the adjudication to the Secretary of State, the Secretary of State may use those records only for purposes of hearings held by the Secretary of State and the records may not otherwise be made public or become part of a juvenile's driving record or motor vehicle record.