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Legislative Document

No. 1108

H.P. 812

House of Representatives, March 5, 2019

**Resolve, Establishing the Task Force on Alternatives to
Incarceration for Maine Youth**

(EMERGENCY)

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative BRENNAN of Portland.
Cosponsored by Senator CARSON of Cumberland and
Representatives: CRAVEN of Lewiston, MOONEN of Portland, MORALES of South
Portland, PERRY of Calais, RECKITT of South Portland, TALBOT ROSS of Portland,
TUCKER of Brunswick, WARREN of Hallowell.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation establishes the Task Force on Alternatives to Incarceration
4 for Maine Youth to, among other duties, develop a plan to close the Long Creek Youth
5 Development Center by 2022 and divert funding into a continuum of community-based
6 alternatives; and

7 **Whereas,** the study must be initiated before the 90-day period expires in order that
8 the study may be completed and a report submitted in time for submission to the next
9 legislative session; and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
11 the meaning of the Constitution of Maine and require the following legislation as
12 immediately necessary for the preservation of the public peace, health and safety; now,
13 therefore, be it

14 **Sec. 1. Task force established. Resolved:** That the Task Force on Alternatives
15 to Incarceration for Maine Youth, referred to in this resolve as "the task force," is
16 established.

17 **Sec. 2. Task force membership. Resolved:** That, notwithstanding Joint Rule
18 353, the task force consists of 21 members as follows:

19 1. Five members of the Senate appointed by the President of the Senate, including at
20 least 2 members from each of the 2 parties holding the largest number of seats in the
21 Legislature;

22 2. Five members of the House of Representatives appointed by the Speaker of the
23 House, including at least 2 members from each of the 2 parties holding the largest number
24 of seats in the Legislature;

25 3. The Commissioner of Corrections or the commissioner's designee;

26 4. The Commissioner of Health and Human Services or the commissioner's designee;

27 5. The Commissioner of Education or the commissioner's designee;

28 6. The Commissioner of Labor or the commissioner's designee;

29 7. The Chief Justice of the Supreme Judicial Court or the chief justice's designee;

30 8. An individual who has been in the juvenile justice system, appointed by the
31 President of the Senate;

32 9. A family member of an individual in the juvenile justice system, appointed by the
33 Speaker of the House;

34 10. A juvenile defense attorney, appointed by the President of the Senate;

1 11. A prosecutor with significant experience in Juvenile Court, appointed by the
2 Speaker of the House;

3 12. A representative of the social service provider community, appointed by the
4 President of the Senate; and

5 13. A representative of a nonprofit organization that advocates for youth and families
6 affected by the juvenile justice system, appointed by the Speaker of the House.

7 In appointing members from the Senate and the House of Representatives, the
8 President of the Senate and the Speaker of the House shall prioritize Legislators with
9 personal experience with the juvenile justice system or with professional experience
10 relevant to the duties of the task force.

11 The President of the Senate and the Speaker of the House shall invite to participate as
12 members of the task force the Governor or the Governor's designee and the Attorney
13 General or the Attorney General's designee.

14 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate
15 chair and the first-named House of Representatives member is the House chair of the task
16 force.

17 **Sec. 4. Nonvoting members. Resolved:** That, notwithstanding Joint Rule 353,
18 the chairs may appoint individuals to participate as nonvoting members of the task force,
19 with preference given to individuals affected by the juvenile justice system.

20 **Sec. 5. Appointments; convening of task force. Resolved:** That,
21 notwithstanding Joint Rule 353, all appointments must be made no later than 15 days
22 following the effective date of this resolve. The appointing authorities shall notify the
23 Executive Director of the Legislative Council once all appointments have been
24 completed. After appointment of all members, the chairs shall call and convene the first
25 meeting of the task force. If 15 days or more after the effective date of this resolve a
26 majority of but not all appointments have been made, the chairs may request authority
27 and the Legislative Council may grant authority for the task force to meet and conduct its
28 business.

29 **Sec. 6. Duties. Resolved:** That the task force shall:

30 1. Review and evaluate current state and national reports regarding the efficacy of
31 the use of incarceration of youth in the State and nationally. The task force shall inform
32 its work with information published and recommendations made to date around the
33 efficacy of the youth prison model, conditions at the Long Creek Youth Development
34 Center and the steps needed to successfully create a continuum of community-based
35 alternatives for youth in the State involved in the juvenile justice system that improves
36 outcomes for youth and public safety;

37 2. Seek input from juvenile justice system stakeholders, including judges, defense
38 attorneys, prosecutors, agency staff, residential and community-based service providers,
39 youth advocates and youth and families affected by the juvenile justice system. The task

1 force shall prioritize input from youth and families who have experienced the juvenile
2 justice system and youth and families who have been harmed by the juvenile justice
3 system;

4 3. Develop a plan to close the Long Creek Youth Development Center by 2022 and
5 make recommendations on subsequent use of the land or facility, including identifying
6 options for alternate use of the land or facility that do not include the incarceration of
7 other populations, and a transition plan for the center's staff; and

8 4. Develop recommendations for reinvestment of corrections funds currently
9 designated for youth incarceration into a continuum of community-based alternatives.
10 The task force shall conduct an analysis to determine the potential reinvestment of current
11 youth incarceration funds into community-based programming focused on those
12 communities most affected by youth incarceration, including a review of residential
13 placement options to ensure those out-of-home placements are appropriate and
14 demonstrate positive outcomes for youth. The task force shall review funding streams
15 and costs to inform a reinvestment plan that ensures resources match the needs of youth
16 and their communities and are not diverted to the adult justice system or used for other
17 purposes.

18 The task force may solicit data from public and private sources to inform its work,
19 including but not limited to the Department of Corrections, the Department of Health and
20 Human Services, the Department of Education and the Department of Labor.

21 **Sec. 7. Meetings. Resolved:** That, notwithstanding Joint Rule 353, the task force
22 shall hold monthly meetings and at least 4 public hearings to gather input, one in each of
23 the 3 Department of Corrections community corrections regions plus one location to be
24 determined by the task force. The task force shall also conduct at least 2 site visits to
25 programs that provide community-based alternatives to incarceration in other
26 jurisdictions that have demonstrated reduced recidivism.

27 **Sec. 8. Quorum. Resolved:** That, notwithstanding Joint Rule 353, a majority of
28 the voting members of the task force constitutes a quorum.

29 **Sec. 9. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, the
30 Legislative Council shall contract out for necessary staff support for the task force during
31 a regular or special session and may contract for such staff support for a longer period to
32 the extent needed and if sufficient funding is available. At the request of the task force,
33 the Legislative Council may provide drafting assistance to the task force during a regular
34 or special session and other staff support to the task force when the Legislature is not in
35 regular or special session.

36 **Sec. 10. Report. Resolved:** That, notwithstanding Joint Rule 353, no later than
37 February 15, 2020, the task force shall submit a report that includes its findings and
38 recommendations, including suggested legislation, for presentation to the Second Regular
39 Session of the 129th Legislature.

40 **Sec. 11. Outside funding. Resolved:** That the task force shall seek funding
41 contributions to fully fund the costs of the study. All funding is subject to approval by

1 the Legislative Council in accordance with its policies. If sufficient contributions to fund
2 the study have not been received within 30 days after the effective date of this resolve, no
3 meetings are authorized and no expenses of any kind may be incurred or reimbursed.

4 **Emergency clause.** In view of the emergency cited in the preamble, this
5 legislation takes effect when approved.

6 **SUMMARY**

7 This resolve establishes the Task Force on Alternatives to Incarceration for Maine
8 Youth to:

9 1. Review and evaluate current state and national reports regarding the efficacy of
10 the use of incarceration of youth in the State and nationally;

11 2. Seek input from juvenile justice system stakeholders, including judges, defense
12 attorneys, prosecutors, agency staff, residential and community-based service providers,
13 youth advocates and youth and families affected by the juvenile justice system;

14 3. Develop a plan to close the Long Creek Youth Development Center by 2022 and
15 make recommendations on subsequent use of the land or facility, including identifying
16 options for alternate use of the land or facility that do not include the incarceration of
17 other populations, and a transition plan for the center's staff; and

18 4. Develop recommendations for reinvestment of corrections funds currently
19 designated for youth incarceration into a continuum of community-based alternatives.