



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2151

H.P. 1540

House of Representatives, March 12, 2020

**An Act To Implement the Recommendations of the Maine Juvenile
Justice System Assessment and Reinvestment Task Force**

(EMERGENCY)

Reported by Representative WARREN of Hallowell for the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Joint Order 2019, H.P. 1515.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed pursuant to Joint Rule 218.

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

ROBERT B. HUNT
Clerk

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,** the initiatives established in this legislation must be undertaken promptly
4 upon the beginning of the next fiscal year in order to safeguard the health and welfare of
5 Maine's justice-involved youth and to safeguard the public peace, health and safety; and

6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
7 the meaning of the Constitution of Maine and require the following legislation as
8 immediately necessary for the preservation of the public peace, health and safety; now,
9 therefore,

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

11 **Sec. 1. 15 MRSA §3203-A, sub-§4, ¶C,** as amended by PL 1999, c. 624, Pt. B,
12 §5, is further amended to read:

13 C. Detention, if ordered, must be in the least restrictive residential setting that will
14 serve the purposes of the Maine Juvenile Code as provided in section 3002 and one of
15 the following purposes of detention:

16 (1) To ensure the presence of the juvenile at subsequent court proceedings;

17 ~~(2) To provide physical care for a juvenile who can not return home because~~
18 ~~there is no parent or other suitable person willing and able to supervise and care~~
19 ~~for the juvenile adequately;~~

20 (3) To prevent the juvenile from harming or intimidating any witness or
21 otherwise threatening the orderly progress of the court proceedings;

22 (4) To prevent the juvenile from inflicting bodily harm on others; or

23 (5) To protect the juvenile from an immediate threat of bodily harm.

24 **Sec. 2. Benchmarks for reducing the population of detained and**
25 **committed youths.** From a baseline of the average daily population of youths detained
26 and of the average daily population of youths committed in the custody of the Department
27 of Corrections for the period from April 1, 2020 to June 30, 2020, the Department of
28 Corrections shall take action to ensure that the average daily population of detained
29 youths and the average daily population of committed youths decreases by 25% by July
30 1, 2021. By July 1, 2022, the Department of Corrections shall take action to ensure that
31 the average daily population for each group decreases 25% from the average daily
32 populations for the period from July 1, 2020 to June 30, 2021. By July 1, 2023, the
33 Department of Corrections shall take action to ensure that the average daily population
34 for each group decreases 25% from the average daily populations for the period from July
35 1, 2021 to June 30, 2022.

36 **Sec. 3. Continuing role of the task force on juvenile justice system**
37 **assessment and reinvestment convened in 2019.** The Commissioner of
38 Corrections shall work with the members of the task force established by the Juvenile
39 Justice Advisory Group in 2019 to study and make recommendations on juvenile justice

1 system assessment and reinvestment, referred to in this Act as the "task force," regarding
2 implementation of this Act and ongoing juvenile justice system improvements. The task
3 force shall provide advice, input and feedback to the Department of Corrections and the
4 Department of Health and Human Services regarding the development of a strategic plan
5 to invest in a community-based system of therapeutic services for justice-involved youth
6 that works to divert youth from detention and commitment, reduce the rates of detention
7 and commitment across the State and achieve the benchmarks for progress established in
8 section 2 of this Act. The task force shall convene an advisory panel of justice-involved
9 youth to advise the task force in the performance of its duties.

10 **Sec. 4. Annual reporting by the Department of Corrections through 2024.**

11 After receiving advice and input from the task force but no later than January 31, 2021,
12 January 31, 2022, January 31, 2023 and January 31, 2024, the Department of Corrections
13 shall provide 4 annual reports to the joint standing committee of the Legislature having
14 jurisdiction over criminal justice and public safety matters. The reports must provide
15 detailed information regarding:

16 1. The efforts of the Department of Corrections and the Department of Health and
17 Human Services to offer diversion options for justice-involved youth and to reduce the
18 rates of detention and commitment of youth across the State;

19 2. The successes and challenges of the Department of Corrections in achieving the
20 benchmarks for detained and committed youth set forth in section 2 of this Act;

21 3. The successes and challenges of the Department of Corrections and the
22 Department of Health and Human Services in expanding access to community-based,
23 therapeutic services or programs funded under section 8 of this Act for the purpose of
24 diverting justice-involved youth from detention and commitment and reducing the rates
25 of youth detention and commitment;

26 4. The successes and challenges of the nonprofit community agencies that have been
27 awarded contracts to provide community-based, nonresidential, therapeutic services and
28 programs for the purpose of diverting justice-involved youth from detention and
29 commitment and reducing the rate of youth detention and commitment as funded under
30 section 8 of this Act;

31 5. The number and outcomes of youth served in the prior year by the nonprofit
32 community-based agencies awarded contracts under sections 6 and 7 of this Act;

33 6. The number of staff at Long Creek Youth Development Center as of the preceding
34 December 1st and staffing levels and challenges at the facility; and

35 7. The strategic plan developed by the Department of Corrections and the
36 Department of Health and Human Services in consultation with the task force for the
37 implementation of this Act and related juvenile justice system improvements.

38 **Sec. 5. Reporting on possible sites and locations for secure, therapeutic**
39 **residences for detained and committed youth.** By January 1, 2021, the
40 Department of Corrections shall report to the joint standing committee of the Legislature

1 having jurisdiction over criminal justice and public safety matters on possible sites and
2 locations for 2 to 4 small, secure, therapeutic residences for youth for the purposes of
3 providing confinement and detention in a therapeutic setting for a maximum occupancy
4 of a total of 30 youths across all sites and locations. The identified possible sites and
5 locations must consist of one site or location in Cumberland County and one site or
6 location in Penobscot County. Two other sites and locations may be identified to serve
7 identified need. The identified possible sites and locations must include existing
8 structures for renovation as small, secure, therapeutic residences. The report must
9 include information regarding options and cost estimates at each possible site and
10 location for the provision of therapeutic services and programs, including educational
11 services, for youths living in the residences.

12 **Sec. 6. Funding by Department of Corrections for services or programs**
13 **for diversion of youth from detention and commitment.** The Department of
14 Corrections shall provide ongoing funding to nonprofit community-based providers of
15 therapeutic services or programs for the purpose of diverting justice-involved youth from
16 detention and commitment and reducing the rate of youth detention and commitment,
17 using funding appropriated for that purpose. These services or programs may include
18 behavioral health services, family support, housing, community supervision, restorative
19 justice and transportation. An emphasis must be placed on offering these services or
20 programs in rural parts of the State and to underserved and minority populations, on
21 expanding existing services and programs that have proven effective and on adopting new
22 evidence-based, innovative services and programs. All of the funding provided for this
23 purpose must be used for contracts, agreed to by the Department of Corrections and the
24 Department of Health and Human Services and overseen by the Department of
25 Corrections, with nonprofit community agencies that have demonstrated a history of
26 serving youth at risk of entering the juvenile justice system, including youth in
27 underserved or minority communities.

28 **Sec. 7. Funding by Department of Health and Human Services for**
29 **services or programs for diversion of youth from detention and commitment.**
30 The Department of Health and Human Services shall provide ongoing funding to
31 nonprofit community-based providers of therapeutic services or programs for the purpose
32 of diverting justice-involved youth from detention and commitment and reducing the rate
33 of youth detention and commitment, using funding provided for that purpose. These
34 services or programs may include behavioral health services, family support, housing,
35 community supervision, crisis stabilization and transportation. An emphasis must be
36 placed on offering these services or programs in rural parts of the State and to
37 underserved and minority populations, on expanding existing services and programs that
38 have proven effective and on adopting new evidence-based, innovative services and
39 programs. At least 70% of the funding provided for this purpose must be used for
40 contracts, agreed to by the Department of Corrections and the Department of Health and
41 Human Services and overseen by the Department of Health and Human Services, with
42 nonprofit community agencies that have demonstrated a history of serving youth at risk
43 of entering the juvenile justice system, including youth in underserved or minority
44 communities.

1 feedback to the Department of Corrections and the Department of Health and Human
2 Services regarding the development of a community-based system of therapeutic services
3 for justice-involved youth that works to divert youth from detention and commitment,
4 reduce the rates of detention and commitment across the State and achieve the
5 benchmarks for progress established in this bill.

6 The bill requires 4 annual reports on juvenile justice from the Department of
7 Corrections to the joint standing committee of the Legislature having jurisdiction over
8 criminal justice and public safety matters through January 31, 2024.

9 The bill requires that by January 1, 2021, the Department of Corrections report to the
10 joint standing committee of the Legislature having jurisdiction over criminal justice and
11 public safety matters on possible locations for 2 to 4 small, secure, therapeutic residences
12 for youth for the purposes of providing detention and confinement for a maximum
13 occupancy of a total of 30 youths. One of the residences must be located in Cumberland
14 County, one must be in Penobscot County and 2 other possible locations may be
15 identified. Options must include existing structures for renovation as small, secure,
16 therapeutic residences. The report must include information regarding options and cost
17 estimates at each location for the provision of therapeutic services and programs,
18 including educational services, for youth living in the residences.

19 The bill appropriates \$2,500,000 to the Department of Corrections and \$1,000,000 to
20 the Department of Health and Human Services to provide ongoing funding for
21 community-based, therapeutic services or programs for the purpose of diverting justice-
22 involved youth from detention and commitment and reducing the rate of youth detention
23 and commitment.