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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1011, L.D. 1397, Bill, “An Act To Ensure That Statements Made by a Juvenile or a Juvenile's Parents, Guardian or Legal Custodian While Participating in Informal Adjustment Processes Are Not Admissible in Court”

Amend the bill by striking out the title and substituting the following:

'An Act Regarding the Admissibility of Certain Statements of Juveniles'

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

'Sec. 1. 15 MRSA §3204, first ¶, as amended by PL 1999, c. 624, Pt. B, §7, is further amended to read:

Statements of a juvenile or of a juvenile's parents, guardian or legal custodian made to a juvenile community corrections officer during the course of a preliminary investigation ~~or made to a community resolution team under section 3301~~ are not admissible in evidence at an adjudicatory hearing against that juvenile if a petition based on the same facts is later filed.

Sec. 2. 15 MRSA §3204, as amended by PL 1999, c. 624, Pt. B, §7, is further amended by adding at the end the following:

Statements of a juvenile or of a juvenile's parents, guardian or legal custodian made to a juvenile community corrections officer during an informal adjustment or during a restorative justice program or made to a clinical provider during substance use disorder, sexual behavior or mental health assessment or treatment attended by the juvenile are not admissible in evidence during the State's case in chief at an adjudicatory hearing against that juvenile on a petition based on the same facts that caused the referral for informal adjustment, restorative justice, assessment or treatment.

Statements of a juvenile or of a juvenile's parents, guardian or legal custodian made during school disciplinary proceedings, including but not limited to manifestation determinations, special education meetings, suspension meetings or expulsion hearings,

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1 are not admissible in evidence during the State's case in chief at an adjudicatory hearing
2 against the juvenile on a petition based on the same facts that caused the need for the
3 school disciplinary proceedings.

4 As used in this section, "restorative justice program" means a program in which
5 offenders take responsibility for causing harm and engage in a facilitated process with
6 victims, family members, community members or advocates and others impacted by the
7 harm that focuses on repairing the harm, addressing needs and preventing future harm.'

8 **SUMMARY**

9 This amendment replaces the bill and provides a new title. The amendment amends
10 the Maine Juvenile Code to provide that statements of a juvenile or of a juvenile's parents,
11 guardian or legal custodian made during an informal adjustment or during a restorative
12 justice program or made to a clinical provider during substance use disorder, sexual
13 behavior or mental health assessment or treatment attended by the juvenile are not
14 admissible in evidence during the State's case in chief at an adjudicatory hearing against
15 that juvenile on a petition based on the same facts that caused the referral for informal
16 adjustment, restorative justice, assessment or treatment. The amendment provides for
17 similar protections in school disciplinary proceedings. The amendment adds a definition
18 of "restorative justice program." The amendment also retains the provision of the bill that
19 removes a cross-reference to a provision of law regarding community resolution teams,
20 which has been repealed.