1	L.D. 1029
2	Date: (Filing No. H-)
3	CRIMINAL JUSTICE AND PUBLIC SAFETY
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	127TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT "" to H.P. 712, L.D. 1029, Bill, "An Act To Improve Maine's Juvenile Justice System"
11 12 13	Amend the bill in section 1 in paragraph A in the 10th line (page 1, line 13 in L.D.) by striking out the following: "Whenever possible and appropriate, the" and inserting the following: ' <u>The</u> '
14	Amend the bill by striking out all of sections 2 to 4 and inserting the following:
15	'Sec. 2. 15 MRSA §3306-B is enacted to read:
16	§3306-B. Physical restraints in the courtroom
17 18 19	1. Physical restraints prohibited absent court order. A juvenile may not be brought before the court wearing any physical restraints, except when ordered by the court during or prior to the juvenile's court appearance.
20 21 22 23 24 25 26	2. Determination by the court. If the State, the transporting agency, the judicial marshal or other designated court security informs the juvenile or the attorney for the juvenile of intent to use physical restraints during the proceedings and the juvenile or attorney for the juvenile objects the court shall determine whether one or more of the grounds for use of physical restraints listed in subsection 3 exists. The court, on its own motion, may determine whether one or more of the grounds for use of physical restraints listed in subsection 3 exists.
27 28 29	3. Grounds for use of restraints. The court may not order that physical restraints be used on a juvenile during a court proceeding unless the court determines that the use of physical restraints is necessary due to one or more of the following:
30 31	A. The present behavior of the juvenile presents a current threat to that juvenile's safety or the safety of others in the courtroom;
32 33	<u>B.</u> The present behavior of the juvenile presents a substantial risk of flight from the courtroom;

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- 1C. Recent disruptive courtroom behavior of the juvenile has a created a threat to that2juvenile's safety or the safety of others in the courtroom; and
- 3 D. The past behavior of the juvenile presents a substantial risk that the juvenile will 4 create a threat to that juvenile's safety or the safety of others in the courtroom.'
- 5 Amend the bill in section 5 in paragraph H-1 in the first line (page 2, line 35 in L.D.) 6 by striking out the following: "<u>Whenever possible and appropriate, the</u>" and inserting the 7 following: '<u>The</u>'
 - Amend the bill by inserting after section 5 the following:

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9 'Sec. 6. Review and report. The Criminal Law Advisory Committee shall review the laws regarding confidentiality and access to records of court proceedings pertaining to 10 police records, juvenile community corrections officers' records and all other reports of 11 social and clinical studies pertaining to juveniles and shall report to the Joint Standing 12 Committee on Criminal Justice and Public Safety by January 1, 2016 with any 13 recommendations and necessary legislation. After reviewing the report, the joint standing 14 committee is authorized to submit legislation to the Second Regular Session of the 127th 15 16 Legislature.'

17 Amend the bill by relettering or renumbering any nonconsecutive Part letter or 18 section number to read consecutively.

SUMMARY

20 This amendment is the majority report of the committee. The amendment deletes the phrase "whenever possible and appropriate" from the bill as it relates to the circumstances 21 22 under which a juvenile participates in a program intended to increase community safety, hold the juvenile accountable and assist the juvenile in becoming a responsible and 23 productive member of society. The amendment directs the Criminal Law Advisory 24 Committee to review the laws regarding confidentiality and access to records of court 25 26 proceedings pertaining to police records, juvenile community corrections officers' records and all other reports of social and clinical studies pertaining to juveniles and to 27 28 report to the Joint Standing Committee on Criminal Justice and Public Safety by January 29 1, 2016 with any recommendations and necessary legislation. The amendment authorizes the joint standing committee to submit legislation to the Second Regular Session of the 30 127th Legislature. The amendment revises the procedure for the court to determine 31 whether grounds for the use of restraints exist and adds to the grounds that past behavior 32 of the juvenile presents a substantial risk that the juvenile's safety or the safety of others 33 34 in the courtroom is threatened

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