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MAINE PROSECUTORS ASSOCIATION
ADA TANYA PIERSON, JUVENILE PROSECUTOR

LD 102

“An Act to Notify the Public of Juveniles Who Are Wanted Persons”

Testimony in Opposition

Senator Anne Beebe-Center, Chair
Representative Tavis Hasenfus, Chair
Members of the Joint Standing Committee on Criminal Justice and Public Safety

My name is Tanya Pierson and I am an Assistant District Attorney for York County Maine. I have spent the vast majority of my 35-year career helping to create and administer a juvenile docket in York County. I am submitting this testimony on behalf of the Maine Prosecutors Association, specifically the District Attorneys, to record our opposition to LD 102, as drafted. If the Department of Corrections is open to redrafting some specific provisions, the MPA would be in support of this proposed legislation.

The following paragraphs outline the MPA concerns with the legislation as drafted:

Class D offenses are included in paragraphs B and C.

During previous legislative sessions, several changes have been made to the Maine Juvenile Code to define, clarify and further protect juvenile intelligence and investigative record information, juvenile history record information, and juvenile case records. These changes helped delineate which juvenile cases are subject to public scrutiny and which cases are not open to public participation or inspection. In almost all circumstances, juvenile case records and proceedings in which a Class D or Class E offense is charged, are designated *confidential* by the Juvenile Court (with the exception of an alleged victim’s participation). Title 15 M.R.S.A. 3308-C; Title 15 M.R.S.A 3308-D. Moreover, once a juvenile is finally discharged from the disposition imposed for a Class D or E juvenile offense, all records pertaining to the juvenile’s crime and the disposition are sealed from public inspection. Title 15 M.R.S.A 3308-C(10)(C).

The inclusion of Class D offenses in paragraphs B and C runs counter to the Juvenile Code's focus on limiting the release and access to juvenile record and case information for lower-level offenses. One of the stated purposes of the Maine Juvenile Code is to assist a juvenile, "...in becoming a responsible and productive member of society." 15 M.R.S.A Section 3002(1)(D). It is well documented that preserving the confidentiality of youth charged with lower-level offenses, whenever possible, is an important pillar for future success. The MPA is in agreement with the provisions of paragraph A and C, if Class D offenses are removed from these sub-sections. At a minimum, paragraphs B and C should include a requirement that public safety *is in fact* a concern that justifies the release of otherwise confidential juvenile information. (We would further recommend that the Committee consider for exclusion non-violent Class C offenses as well).

Broad language permitting a blanket release of information

The final paragraph of LD 102 permits release of "information used for the purpose of apprehending a juvenile in accordance with this subsection," for anyone who has attained 18 years of age. The intended purpose of this section is unclear, as any offense that would be brought once a youth has turned 18, would be charged as an adult crime and open to the public. If passed, the first paragraph of LD 102 permits a broad release of information in order to facilitate the apprehension of a juvenile, including a juvenile's name, date of birth, physical description, photograph, location of the alleged escape and the disclosure of any other crimes charged by the State. Providing additional information, simply because a youth has turned 18, is contradictory to the juvenile code's presumption of confidentiality and does not include an articulated purpose.

Respectfully submitted,

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