

CLAC MEMORANDUM/TESTIMONY IN SUPPORT
LD 1849, An Act to Establish a Minimum Age at Which a Juvenile May Be Adjudicated

TO: Senator Anne Beebe-Center
Representative Tavis Hasenfus
Joint Standing Committee on Criminal Justice and Public Safety

FR: Criminal Law Advisory Commission (CLAC)
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RE: LD 1849

DA: May 8, 2025

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony in support of LD 1849.

CLAC supports establishing a minimum age for children whose conduct may be addressed by the juvenile justice system, with an exception, as proposed in this bill, for the crimes of murder, felony-murder, manslaughter, and attempts at such crimes. CLAC members recognize that younger juveniles may be found incompetent and ultimately not proceed through the juvenile justice system, but may be more appropriately referred to other services.

CLAC recommends additional language to clarify that a person under age 11 may not be charged either as an adult or a juvenile, except as provided in proposed § 3003(14)(B).

CLAC strongly supports the proposal to adjudicate Title 12 and 29-A offenses committed by persons under 18 as juvenile crimes, rather than the approach currently required by statute (to charge as adult crimes, with some exceptions). This approach represents an appropriate systemic response to youthful conduct and is in keeping with the goals of the Juvenile Code. 15 M.R.S. § 3002. In addition, these changes would eliminate the multi-track processes that are currently required to resolve cases involving persons under 18 whose conduct is now subject to both the Juvenile Code and adult criminal provisions. Cases could be brought in one forum, reducing the number of separate filings, appearances, and dispositions, and eliminating inconsistencies in the application of confidentiality laws. In addition to benefiting the juvenile, such changes will simplify processing and increase efficiency for the courts, attorneys for the State and for juveniles, and for law enforcement.

*CLAC is an advisory body established by the Legislature. 17-A M.R.S. §§ 1351-1357. It consists of 9 members appointed by the Attorney General. Our current members include defense attorneys, prosecutors, Maine Bar Counsel, and a retired practitioner with experience as defense counsel, prosecutor and in court administration. In addition, three sitting judges and one retired practitioner, appointed by the Chief Justice of the Supreme Judicial Court, and, by statute, the Co-Chairs of the Legislature's Committee on Criminal Justice and Public Safety, serve as consultants. The Supreme Judicial Court's Criminal Process Manager serves as liaison from the Court to CLAC. CLAC advises the Legislature on matters relating to crimes in the Criminal Code and in other Titles, the Bail and Juvenile Codes, and with respect to other statutes related to criminal justice processes.