

*131<sup>st</sup> Legislature*  
*Senate of*  
*Maine*  
*Senate District 2*

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**LD 2171, "An Act Establishing Concurrent Jurisdiction  
with the Federal Courts in Certain Juvenile Matters"**

**Joint Standing Committee on Judiciary**  
**February 6, 2024**

Senator Carney, Representative Moonen and Distinguished Members of the Joint Standing Committee on Judiciary:

I am Trey Stewart; and I represent Senate District 2, which includes several municipalities in Penobscot and Aroostook Counties. In addition to serving as a State Senator, I am also a member of the Navy Reserve and work as an Intel Officer based out of Devens, Massachusetts. I'm here today to introduce L.D. 2171, "*An Act Establishing Concurrent Jurisdiction with the Federal Courts in Certain Juvenile Matters.*"

The concept of this bill was brought to my attention by the Department of Defense, as it is the broader mission of the Department to support children, youth and families of our military service members. Clarifying that state and local authorities may assert jurisdiction over juveniles on military installations in areas of exclusive jurisdiction enables state authorities to enforce laws with respect to civilian family members.

Exclusive federal jurisdiction on military installations can send juveniles through an adult judicial system. Access to state juvenile and family courts may allow for more suitable outcomes; and we as state lawmakers can pursue this policy as a solution that creates a mechanism for the federal government to transfer its jurisdiction to the state on a subject matter, case-by case, or installation-by-installation basis.

Currently, on military installations subject to exclusive federal jurisdiction, investigation and adjudication of juvenile offenses is limited because cases may only be adjudicated in the federal system. States can adopt concurrent jurisdiction policies to ensure access to state resources and juvenile courts for appropriate adjudication options to better respond to juvenile needs.

Simply put, L.D. 2171 would:

- allow offenses committed by minors to be transferred to a state court and allow them to take advantage of juvenile review boards, diversionary programs, and services offered through the State;

- produce better outcomes and reduce the likelihood that youth will end up in the juvenile justice system at this time or in the future;
- give youth who commit crimes on the property of federal military installations the same opportunities as those who commit crimes anywhere else in the state.

It's also important to note that L.D. 2171 will continue to allow prosecutorial discretion in trying cases. With the passage of this measure, if the United States Attorney waives federal jurisdiction, the state then assumes exclusive jurisdiction. If, after assuming jurisdiction, a local prosecutor does not wish to prosecute a case, that prosecutor may choose not to pursue the case, which is a practice of routine prosecutorial discretion.

L.D. 2171 simply provides the framework for concurrent juvenile jurisdiction to occur, which will benefit juvenile offenders long-term.

Military families often face challenges that can affect the mental health and well-being of children. Providing access to state resources and the ability to adjudicate juvenile offenses through state courts can help address these concerns, which are often contributors to delinquent behavior.

In 2019, the Secretary of Defense sent a memo to the Secretaries of the Military Departments directing them to establish concurrent jurisdiction over juvenile misconduct on military installations within the United States. It is my hope this committee will adopt this policy recommendation to ensure juveniles continue to have access to appropriate services and resources.

Thank you for your time and consideration.