

CLAC MEMORANDUM/TESTIMONY (OPPOSED)
LD 535, An Act to Authorize Judicial Disposition of a Juvenile
Adjudicated of Murder or a Class A Crime to a Term of Commitment
Extending Beyond the Juvenile's 21st Birthday

TO: Senator Anne Carney
Representative Amy Kuhn
Joint Standing Committee on Judiciary

FR: Criminal Law Advisory Commission (CLAC)
c/o laura.yustak@maine.gov

RE: LD 535, An Act to Authorize Judicial Disposition of a Juvenile Adjudicated of Murder
or a Class A Crime to a Term of Commitment Extending Beyond the Juvenile's 21st
Birthday

DA: February 24, 2025

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony in opposition to LD 535.

CLAC members oppose LD 535. It would essentially authorize a court to detain a juvenile beyond the time permitted for juveniles currently, but without going through the bindover process. As a result, juvenile dispositions extending beyond the person's 21st birthday could be imposed, but without the due process protections that accompany the adult process (e.g., jury trials). CLAC members noted that the bindover process should be used if the juvenile's conduct and characteristics are such that a juvenile disposition is not adequate and detention beyond the person's 21st birthday is appropriate.

*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 current 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.