

§115. Juvenile violations

Notwithstanding other provisions of law, a person who has not attained 18 years of age and who is convicted of a crime for a violation of a provision of this Title that is not defined as a juvenile crime under Title 15, section 3103, subsection 1 may not be sentenced to imprisonment but may be ordered to serve a period of confinement in a Department of Corrections juvenile correctional facility that may not exceed 30 days, which may be suspended in whole or in part, if the court determines that: [PL 2005, c. 507, §17 (AMD).]

1. Crime. The crime is one that, if committed by a person who has attained 18 years of age, would carry a mandatory term of imprisonment that may not be suspended; [PL 2005, c. 328, §15 (NEW).]

2. Nature. The aggravated nature and seriousness of the crime warrants a period of confinement; or [PL 2005, c. 507, §17 (AMD).]

3. History. The record or previous history of the defendant warrants a period of confinement. [PL 2005, c. 507, §17 (AMD).]

The court is not required to impose a period of confinement notwithstanding that there is a mandatory term of imprisonment applicable to a person who has attained 18 years of age. [PL 2005, c. 507, §17 (AMD).]

Any period of confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date. Any period of confinement is subject to Title 17-A, section 2305, except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section 2305, subsection 4 or 4-A; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or in part, the court shall impose a period of administrative release not to exceed one year. The administrative release must be administered pursuant to Title 17-A, chapter 67, subchapter 2, and revocation of the administrative release is governed by the provisions of that subchapter. [PL 2021, c. 330, §10 (AMD).]

SECTION HISTORY

PL 2003, c. 410, §8 (NEW). PL 2005, c. 328, §15 (AMD). PL 2005, c. 507, §17 (AMD). PL 2019, c. 113, Pt. C, §73 (AMD). PL 2021, c. 330, §10 (AMD).

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