

Committee: CJPS  
Drafter: DCT  
File name:  
LR (item)#: 1886(02)  
New Title?: NO  
Add Emergency?: NO  
Date: 3/3/22

**LD 756**  
**Proposed amendment – Representative Morales**

*Amend the bill by striking everything after the enacting clause and before the summary and inserting the following:*

**Sec. 1. 15 MRSA §3203-A, sub-§4, ¶C** is amended to read:

C. Detention, if ordered, must be in the least restrictive residential setting that will serve the purposes of the Maine Juvenile Code as provided in section 3002 and one of the following purposes of detention:

- (1) To ensure the presence of the juvenile at subsequent court proceedings;
- (3) To prevent the juvenile from harming or intimidating any witness or otherwise threatening the orderly progress of the court proceedings; or
- (4) To prevent the juvenile from inflicting bodily harm on others; ~~or~~
- ~~(5) To protect the juvenile from an immediate threat of bodily harm.~~

**Sec. 2. 15 MRSA §3313, sub-§1** is amended to read:

**1. Standard.** The court shall enter an order of disposition for a juvenile who has been adjudicated as having committed a juvenile crime without imposing placement in a secure institution as disposition unless, having regard to the nature and circumstances of the crime and the history, character and condition of the juvenile, it finds that the confinement of the juvenile is necessary for protection of the public because:

A. There is undue risk that, during the period of a suspended sentence or probation, the juvenile will commit another crime; or

~~B. The juvenile is in need of correctional treatment that can be provided most effectively by the juvenile's commitment to an institution; or~~

C. A lesser sentence will depreciate the seriousness of the juvenile's conduct.

**Sec. 3. Department of Corrections; juvenile individualized needs assessments; report.** Consistent with the requirements of state procurement laws and in accordance with the provisions of this section, the Department of Corrections shall contract with a service provider independent of the department to conduct individualized needs assessments over a six-month period of juveniles detained in the custody of the department or adjudicated as having committed juvenile crimes and committed to the department.

1. The contract must provide for the conduct of the assessments by the service provider over a six-month period on each juvenile detained in the custody of the department or adjudicated as having committed juvenile crimes and committed to the department during that period, including any juveniles placed on community reintegration status. Assessments must be initiated by the service provider within 24 hours of a juvenile's detention in the custody of the department or commitment to the department but can be completed within the community if the juvenile is subsequently released from that detention or commitment.

2. The contract must provide that the assessments are conducted by a multidisciplinary team with expertise and experience in the assessment of the need for and the delivery of holistic services to juveniles and their families, including, but not limited to, medical, mental health, educational, permanency, housing, advocacy and other services to juveniles and are designed to identify the services needed to safely and effectively meet the needs of and promote the well-being of the juvenile.

3. The contract must provide that, at the end of the six-month period, the service provider shall develop and submit to the department a report, based on the assessments conducted, that describes the services needed by juveniles detained in the custody of or committed to the department to avoid further incarceration or institutionalization. The report must be prepared in a manner that removes identifying information regarding and otherwise protects the confidentiality of the juveniles assessed and their families. The department shall make the report available on its publicly accessible website.

On or before April 15, 2023, the department shall submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a report that includes the report developed by the service provider under this section and any findings and recommendations by the department and the service provider. After reviewing the report, the joint standing committee may report out legislation relating to the report to the 131st Legislature in 2023.

**Sec. 4. Governor's Office of Policy Innovation and the Future; community-based services pilot program; report.** In accordance with the provisions of this section, the Governor's Office of Policy Innovation and the Future, referred to in this section as "the office," shall establish a pilot program to be administered by an independent, nonprofit community-based organization or collaborative of organizations to distribute funding provided by the office to small-community based organizations and similar entities to establish or support community-based services.

1. Consistent with state procurement laws, the office shall contract with an independent, nonprofit community-based organization or collaborative of organizations to administer the pilot program. The office shall select for contracting an organization or collaborative of organizations that propose a diverse and representative governance structure for the program that ensures community members including directly impacted young people, community organizers, cultural practitioners and small community-based organizations participate in decision-making regarding the distribution of funding at all stages of the process.

2. The contract must provide that the distribution of funding under the pilot program be targeted towards the communities most impacted by incarceration, including, but not limited to, black and indigenous communities of color and those communities underrepresented and underserved in reform efforts, including, but not limited to, girls and lesbian, gay, bisexual and transgender nonconforming youth.

On or before January 1, 2024, the office shall submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a report regarding the outcome of the pilot program established under this section, including any findings and recommendations. After reviewing the report, the joint standing committee may report out legislation relating to the report to the 131st Legislature in 2024.

**Sec. 5. Office of Program Evaluation and Government Accountability; development of proposal and framework for independent oversight of juvenile justice system; report.** In accordance with the provisions of this section, the Office of Program Evaluation and Government Accountability, referred to in this section as "the office," shall develop a proposal and framework for ensuring appropriate independent oversight of the State's juvenile justice system. In developing the proposal and framework, the office shall at a minimum:

1. Review the February 2020 report titled "Maine Juvenile Justice System Assessment" from the Center for Children's Law and Policy, the Juvenile Justice Research and Reform Lab at Drexel University and the Center for the Study of Social Policy as well as the approaches taken in other states in providing oversight of each state's juvenile justice system, including, but not limited to, the mechanisms implemented in Connecticut, New Hampshire, Kansas, Kentucky and Utah;

2. Request information and assistance from the Department of Corrections, the Department of Health and Human Services, the Judicial Branch, the Juvenile Justice Advisory Group described in the Maine Revised Statutes, Title 34-A, section 1209 and other sources, as needed; and

3. Consider options for establishing oversight of the juvenile justice system by a single, multidisciplinary entity independent of any state department or agency that is consistent with national best practices and with the purposes and construction of the Maine Juvenile Code, Title 15, Part 6.

On or before March 1, 2023, the office shall submit to the joint legislative committee established to oversee program evaluation and government accountability matters and to the joint

standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a report that includes the proposal and framework developed pursuant to this section and any findings and recommendations, including suggested legislation. After reviewing the report, the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters may report out legislation relating to the report to the 131st Legislature in 2023.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

*\*\*If this amendment is approved, the descriptions of the following appropriations will be subject to technical and substantive editing as necessary by the Office of Fiscal and Program Review during processing and will be properly formatted before printing\*\**

Appropriation #1

Amount = On-going General Fund appropriation of \$7,000,000 beginning in FY 22-23

Purpose = Provides funding to the Department of Health and Human Services, the Department of Education and the Department of Labor to expand child and juvenile services in the following areas: youth development, crisis response, mental health, peer support, restorative justice services, trauma-responsive services and services for victims of gender-based violence.

Appropriation #2

Amount = On-going General Fund appropriation of \$4,000,000 beginning in FY 22-23

Purpose = Provides funding to the Department of Health and Human Services to expand housing and related resources for children and juveniles and their caregivers, in a manner that prioritizes investment in service models and resources accessible to children and juveniles, including, but not limited to, transitional housing, emergency shelter and mobile respite beds, host homes and rental assistance.

Appropriation #3

Amount = One-time General Fund appropriation of \$1,000,000 in FY 22-23

Purpose = Provides funding to the Governor's Office of Policy Innovation and the Future to fund a pilot program to be administered by an independent, nonprofit community-based organization or collaborative of organizations to distribute funding provided by the office to small-community based organizations and similar entities to establish or support community-based services.

Total appropriations

\$12,000,000 in FY 22-23 (\$11,000,000 on-going)

## SUMMARY

This amendment replaces the bill, which is a concept draft, and includes the following provisions.

1. It amends the Maine Juvenile Code to provide that the detention of an arrested juvenile may not be ordered by a juvenile corrections officer to protect the juvenile from an immediate threat of bodily harm.

2. It amends the Maine Juvenile Code to provide that a court may not order the placement in a secure institution of a juvenile adjudicated as having committed a juvenile crime based on a finding that confinement of the juvenile is necessary for the protection of the public because the juvenile is in need of correctional treatment that can be provided most effectively by the juvenile's commitment to an institution.

3. It directs the Department of Corrections to contract with an independent service provider to conduct individualized needs assessments over a six-month period of juveniles detained in the custody of the department or adjudicated as having committed juvenile crimes and committed to the department and to submit to the department a report that, based on those assessments conducted, describes the services needed by juveniles detained in the custody of or committed to the department to avoid further incarceration or institutionalization. The department is directed, on or before April 15, 2023, to submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a report that includes the report developed by the service provider and any findings and recommendations by the department and the service provider. After reviewing the report, the joint standing committee may report out legislation relating to the report.

4. It directs the Governor's Office of Policy Innovation and the Future to establish a pilot program to be administered by an independent, nonprofit community-based organization or collaborative of organizations to distribute funding provided by the office to small-community based organizations and similar entities to establish or support community-based services. On or before January 1, 2024, the office is required to submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a report regarding the outcome of the pilot program, including any findings and recommendations. After reviewing the report, the joint standing committee may report out legislation relating to the report. The amendment also provides a one-time General Fund appropriation of \$1,000,000 in fiscal year 2022-23 to fund the pilot program.

5. It directs the Office of Program Evaluation and Government Accountability to develop a proposal and framework for ensuring appropriate independent oversight of the State's juvenile justice system, taking into consideration options for establishing oversight of the system by a single, multidisciplinary entity independent of any state department or agency that is consistent with national best practices and with the purposes and construction of the Maine Juvenile Code. On or before March 1, 2023, the office is required to the joint legislative committee established to oversee program evaluation and government accountability matters and to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a

report that includes the proposal and framework developed pursuant to this section and any findings and recommendations, including suggested legislation. After reviewing the report, the joint standing committee may report out legislation relating to the report.

6. It establishes an on-going General Fund appropriation of \$7,000,000 beginning in fiscal year 2022-23 to the Department of Health and Human Services, the Department of Education and the Department of Labor to expand child and juvenile services in the following areas: youth development, crisis response, mental health, peer support, restorative justice services, trauma-responsive services and services for victims of gender-based violence.

7. It establishes an on-going General Fund appropriation of \$4,000,000 beginning in fiscal year 2022-23 to the Department of Health and Human Services to expand housing and related resources for children and juveniles and their caregivers, in a manner that prioritizes investment in service models and resources accessible to children and juveniles, including, but not limited to, transitional housing, emergency shelter and mobile respite beds, host homes and rental assistance.