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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1599

H.P. 1206

House of Representatives, December 14, 2011

An Act To Amend Deferred Disposition under the Maine Juvenile Code

Reported by Representative PLUMMER of Windham for the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Received by the Clerk of the House on December 12, 2011. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

Handwritten signature of Heather J.R. Priest in cursive.

HEATHER J.R. PRIEST
Clerk

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 15 MRSA §3311-A**, as enacted by PL 2011, c. 384, §1, is amended to
3 read:

4 **§3311-A. Eligibility for deferred disposition**

5 A juvenile who has entered an admission to a juvenile crime that would be a Class C,
6 Class D or Class E crime or a civil ~~offense~~ violation if committed by an adult and who
7 consents in writing to a deferred disposition is eligible for a deferred disposition pursuant
8 to section 3311-B.

9 **Sec. 2. 15 MRSA §3311-B, sub-§1**, as enacted by PL 2011, c. 384, §2, is
10 amended to read:

11 **1. Imposition.** Following the acceptance of an admission of commission of a
12 juvenile crime for which a juvenile is eligible for a deferred disposition under section
13 3311-A, the court may order disposition deferred to a date certain or determinable and
14 impose requirements upon the juvenile to be in effect during the period of deferment that
15 are considered by the court to be reasonable and appropriate to meet the purposes of the
16 Maine Juvenile Code. The court-imposed deferment requirements must include a
17 requirement that the juvenile refrain from conduct that would constitute a juvenile crime,
18 crime or civil ~~offense~~ violation. Unless the juvenile crime is one under section 3103,
19 subsection 1, paragraph B or C, the court-imposed deferment requirements may include
20 that the juvenile abide by specific conditional release requirements under supervision by a
21 juvenile community corrections officer. In exchange for the deferred disposition, the
22 juvenile shall abide by the court-imposed deferment requirements. Unless the court
23 orders otherwise, the ~~department~~ deferment requirements are immediately in effect.

24 **Sec. 3. 15 MRSA §3311-B, sub-§2**, as enacted by PL 2011, c. 384, §2, is
25 amended to read:

26 **2. Amendment of requirements.** During the period of deferment and upon
27 application by the juvenile granted deferred disposition pursuant to subsection 1 or by the
28 attorney for the State or upon the court's own motion, the court may, after a hearing upon
29 notice to the attorney for the State and the juvenile, modify the requirements imposed by
30 the court, add further requirements or relieve the juvenile of any requirement imposed by
31 the court that, in the court's opinion, imposes an unreasonable burden on the juvenile. If
32 the requirements proposed for amendment are conditional release requirements, the
33 juvenile community corrections officer must also receive notice of the hearing. In
34 addition, the juvenile community corrections officer may make an application under this
35 subsection for an amendment of conditional release requirements.

36 **Sec. 4. 15 MRSA §3311-C, sub-§§2 and 6**, as enacted by PL 2011, c. 384, §3,
37 are amended to read:

38 **2. Violation of deferment requirement.** If during the period of deferment the
39 attorney for the State has probable cause to believe that a juvenile who was granted
40 deferred disposition pursuant to section 3311-B has violated a court-imposed deferment

1 requirement, the attorney for the State may move the court to terminate the remainder of
2 the period of deferment and impose disposition. Following notice and hearing, if the
3 attorney for the State proves by a preponderance of the evidence that the juvenile has
4 inexcusably failed to comply with a court-imposed deferment requirement, the court may
5 continue the running of the period of deferment with the requirements unchanged, modify
6 the requirements, add further requirements or terminate the running of the period of
7 deferment and conduct a dispositional hearing and impose a disposition authorized for the
8 juvenile crime to which the juvenile entered an admission. If the court finds that the
9 juvenile has not inexcusably failed to comply with a court-imposed deferment
10 requirement, the court may order that the running of the period of deferment continue or,
11 after notice and hearing, take any other action permitted under this chapter. If the alleged
12 violation is of a conditional release requirement, the juvenile community corrections
13 officer must receive notice of the hearing.

14 **6. Warrant for arrest.** If during the period of deferment the attorney for the State
15 has probable cause to believe that a juvenile who was granted deferred disposition
16 pursuant to section 3311-B has violated a court-imposed deferment requirement, the
17 attorney for the State may apply for a warrant for the arrest of the juvenile. If the alleged
18 violation is of a conditional release requirement, the juvenile community corrections
19 officer must receive notice of the application. In addition, if the alleged violation is of a
20 conditional release requirement, the provisions of section 3203-A, subsection 9 apply.

21 SUMMARY

22 This bill amends the juvenile deferred disposition provisions to make it clear that the
23 deferment requirements may include conditional release supervised by a juvenile
24 community corrections officer. The bill changes the term "civil offense" to "civil
25 violation" in the Maine Revised Statutes, Title 15, section 3311-A and section 3311-B,
26 subsection 1 and corrects clerical errors in section 3311-B, subsection 1.