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Legislative Document

No. 546

H.P. 391

House of Representatives, February 24, 2021

**An Act To Implement the Recommendations of the Maine Juvenile
Justice System Assessment and Reinvestment Task Force**

(EMERGENCY)

Received by the Clerk of the House on February 22, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BRENNAN of Portland.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the initiatives established in this legislation must be undertaken promptly
4 upon the beginning of the next fiscal year in order to safeguard the health and welfare of
5 Maine's justice-involved youths and to safeguard the public peace, health and safety; and

6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
7 the meaning of the Constitution of Maine and require the following legislation as
8 immediately necessary for the preservation of the public peace, health and safety; now,
9 therefore,

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

11 **Sec. 1. 15 MRSA §3203-A, sub-§4, ¶C,** as amended by PL 1999, c. 624, Pt. B,
12 §5, is further amended by repealing subparagraph (2).

13 **Sec. 2. Benchmarks for reducing the population of detained and committed**
14 **youths.** From a baseline of the average daily population of youths detained and of the
15 average daily population of youths committed in the custody of the Department of
16 Corrections, each year, through July 1, 2024, the department shall submit an estimate to
17 the joint standing committee of the Legislature having jurisdiction over criminal justice and
18 public safety matters on the reduction in the number of youths detained and committed for
19 that year to create a figure to serve as a benchmark for reducing the population of detained
20 and committed youths.

21 **Sec. 3. Continuing role of the task force on juvenile justice system**
22 **assessment and reinvestment convened in 2019.** The Juvenile Justice Advisory
23 Group shall reestablish the task force established by the Juvenile Justice Advisory Group
24 in 2019 to study and make recommendations on juvenile justice system assessment and
25 reinvestment, referred to in this Act as "the task force." The task force shall work with
26 stakeholder groups as well as the Department of Corrections and the Department of Health
27 and Human Services to implement the recommendations of the February 2020 Maine
28 Juvenile Justice System Assessment and Reinvestment Task Force report. The task force
29 shall focus on the development of strategic interventions for investment in a community-
30 based system of therapeutic services for justice-involved youths that works to divert youths
31 from detention and commitment, reduce the rates of detention and commitment across the
32 State and achieve the benchmarks for progress established in section 2 of this Act. The task
33 force shall convene an advisory panel of justice-involved youths to advise the task force in
34 the performance of its duties.

35 **Sec. 4. Annual reporting by the Department of Corrections through 2025.**
36 Each year through January 31, 2025, the Department of Corrections shall provide an annual
37 report to the joint standing committee of the Legislature having jurisdiction over criminal
38 justice and public safety matters. The report must provide detailed information regarding:

39 1. The efforts of the Department of Corrections and the Department of Health and
40 Human Services to offer diversion options for justice-involved youths and to reduce the
41 rates of detention and commitment of youths across the State;

42 2. The successes and challenges of the Department of Corrections in achieving the
43 benchmarks for detained and committed youths set forth in section 2 of this Act;

1 3. The successes and challenges of the Department of Corrections and the Department
2 of Health and Human Services in expanding access to community-based, therapeutic
3 services or programs funded under section 8 of this Act for the purpose of diverting justice-
4 involved youths from detention and commitment and reducing the rates of youth detention
5 and commitment;

6 4. The successes and challenges of the nonprofit community agencies that have been
7 awarded contracts to provide community-based, nonresidential, therapeutic services and
8 programs for the purpose of diverting justice-involved youths from detention and
9 commitment and reducing the rate of youth detention and commitment as funded under
10 section 8 of this Act;

11 5. The number and outcomes of youths served in the prior year by the nonprofit
12 community-based agencies awarded contracts under sections 6 and 7 of this Act; and

13 6. The number of staff at Long Creek Youth Development Center as of the preceding
14 December 1st and staffing levels and challenges at the facility.

15 **Sec. 5. Reporting on possible sites and locations for secure, therapeutic**
16 **residences for detained and committed youths.** By January 1, 2022, the Department
17 of Corrections shall report to the joint standing committee of the Legislature having
18 jurisdiction over criminal justice and public safety matters on possible sites and locations
19 for 2 to 4 small, secure, therapeutic residences for youths for the purposes of providing
20 confinement and detention in a therapeutic setting for a maximum occupancy of a total of
21 20 youths across all sites and locations. The identified possible sites and locations must
22 consist of one site or location in Cumberland County and one site or location in Penobscot
23 County. Two other sites and locations may be identified depending on need. The identified
24 possible sites and locations must include existing structures for renovation as small, secure,
25 therapeutic residences. The report must include information regarding staffing options and
26 options and cost estimates at each possible site and location for the provision of therapeutic
27 services and programs, including educational services, for youths living in the residences.

28 **Sec. 6. Funding by Department of Corrections for services or programs**
29 **for diversion of youths from detention and commitment.** The Department of
30 Corrections shall provide ongoing funding to nonprofit community-based providers of
31 therapeutic services or programs for the purpose of diverting justice-involved youths from
32 detention and commitment and reducing the rate of youth detention and commitment, using
33 funding appropriated for that purpose. These services or programs may include behavioral
34 health services, family support, housing, community supervision, restorative justice and
35 transportation. An emphasis must be placed on offering these services or programs in rural
36 parts of the State and to underserved and minority populations, on expanding existing
37 services and programs that have proven effective and on adopting new evidence-based,
38 innovative services and programs. All of the funding provided for this purpose must be
39 used for contracts, agreed to by the Department of Corrections and the Department of
40 Health and Human Services and overseen by the Department of Corrections, with nonprofit
41 community agencies that have demonstrated a history of serving youths at risk of entering
42 the juvenile justice system, including youths in underserved or minority communities.

43 **Sec. 7. Funding by Department of Health and Human Services for services**
44 **or programs for diversion of youths from detention and commitment.** The
45 Department of Health and Human Services shall provide ongoing funding to nonprofit

1 community-based providers of therapeutic services or programs for the purpose of
 2 diverting justice-involved youths from detention and commitment and reducing the rate of
 3 youth detention and commitment, using funding provided for that purpose. These services
 4 or programs may include behavioral health services, family support, housing, community
 5 supervision, crisis stabilization and transportation. An emphasis must be placed on offering
 6 these services or programs in rural parts of the State and to underserved and minority
 7 populations, on expanding existing services and programs that have proven effective and
 8 on adopting new evidence-based, innovative services and programs. At least 70% of the
 9 funding provided for this purpose must be used for contracts, agreed to by the Department
 10 of Corrections and the Department of Health and Human Services and overseen by the
 11 Department of Health and Human Services, with nonprofit community agencies that have
 12 demonstrated a history of serving youths at risk of entering the juvenile justice system,
 13 including youths in underserved or minority communities.

14 **Sec. 8. Appropriations and allocations.** The following appropriations and
 15 allocations are made.

16 **CORRECTIONS, DEPARTMENT OF**
 17 **Juvenile Community Corrections 0892**

18 Initiative: Provides an appropriation to the Department of Corrections to provide ongoing
 19 funding to nonprofit community-based providers for community-based, therapeutic
 20 services or programs for the purpose of diverting justice-involved youths from detention
 21 and commitment and reducing the rate of youth detention and commitment.

22	GENERAL FUND	2020-21	2021-22
23	All Other	\$0	\$1,500,000
24			
25	GENERAL FUND TOTAL	\$0	\$1,500,000

26 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**
 27 **Mental Health Services - Children Z206**

28 Initiative: Provides an appropriation to the Department of Health and Human Services to
 29 provide ongoing funding to providers of community-based, therapeutic services or
 30 programs for the purpose of diverting justice-involved youths from detention and
 31 commitment and reducing the rate of youth detention and commitment.

32	GENERAL FUND	2020-21	2021-22
33	All Other	\$0	\$500,000
34			
35	GENERAL FUND TOTAL	\$0	\$500,000

36 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
 37 takes effect when approved.

38 **SUMMARY**

39 This bill repeals a provision of the Maine Juvenile Code that establishes as a purpose
 40 of pre-adjudication detention providing physical care for a juvenile who cannot return

1 home because there is no parent or other suitable person willing and able to supervise the
2 juvenile adequately.

3 The bill, based on recommendations of the Department of Corrections, calls for the
4 setting of benchmarks for measuring progress in reducing the average daily populations of
5 detained youths and committed youths through July 1, 2024.

6 The bill directs the Juvenile Justice Advisory Group to reestablish the juvenile justice
7 task force to help implement the recommendation made in the February 2020 report issued
8 by the Maine Juvenile Justice System Assessment and Reinvestment Task Force. The task
9 force is directed to work with stakeholder groups and the Department of Corrections and
10 the Department of Health and Human Services regarding the development of a community-
11 based system of therapeutic services for justice-involved youths that works to divert youths
12 from detention and commitment, reduce the rates of detention and commitment across the
13 State and achieve the benchmarks for progress established in this bill.

14 The bill requires annual reports on juvenile justice from the Department of Corrections
15 to the joint standing committee of the Legislature having jurisdiction over criminal justice
16 and public safety matters through January 31, 2025.

17 The bill requires that, by January 1, 2022, the Department of Corrections report to the
18 joint standing committee of the Legislature having jurisdiction over criminal justice and
19 public safety matters on possible locations for 2 to 4 small, secure, therapeutic residences
20 for youths for the purposes of providing detention and confinement for a maximum
21 occupancy of a total of 20 youths. One of the residences must be located in Cumberland
22 County, one must be in Penobscot County and 2 other possible locations may be identified.
23 Options must include existing structures for renovation as small, secure, therapeutic
24 residences. The report must include information regarding staffing options and options and
25 cost estimates at each possible site and location for the provision of therapeutic services
26 and programs, including educational services, for youths living in the residences.

27 The bill appropriates \$1,500,000 to the Department of Corrections and \$500,000 to the
28 Department of Health and Human Services to provide ongoing funding for community-
29 based, therapeutic services or programs for the purpose of diverting justice-involved youths
30 from detention and commitment and reducing the rate of youth detention and commitment.