



## The Maine Success Story

### **Maine Passes “Marlee’s Law” Requiring All Youth Under 16 Sentenced to Incarceration Begin Their Sentence in a Juvenile Facility**

In 2008, the Maine legislature passed a law to keep the youngest offenders out of adult prisons. Public Law No. 686 provides that children who receive adult prison sentences and who are under 16 years of age at the time of sentencing must begin serving their sentence in a juvenile correctional facility. These children may remain in the juvenile facility until their 18<sup>th</sup> birthday. Marlee Johnston was 14 years old when she was killed by her 14-year-old neighbor. Marlee’s father, Ted Johnston, was concerned when he learned that the boy would be sent to an adult prison and said, “I don’t think that’s right. I know Marlee wouldn’t think so either, so to honor her memory we had to make a change.” In a statement prepared for the bill signing Governor John Baldacci said, “We hope that tragedies like the loss of a young person, like Marlee Johnston, won’t occur again in Maine. This law, Marlee’s Law, will ensure that if such a tragedy does occur, the perpetrator will serve a sentence that befits the crime in an age-appropriate facility.”<sup>1</sup>

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## ***References***

<sup>1</sup>Pub. L. No. 686, 123d Me. State Leg. (Me. 2008); Associated Press, New Maine law allows 'blended sentences' March 16, 2010.

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Allow Blended Sentencing for Certain Juveniles**

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

**Sec. 1. 17-A MRSA §1259** is enacted to read:

**§ 1259. Commitments to the Department of Corrections of bound-over juveniles who have not attained 16 years of age at the time of sentence imposition**

A juvenile who has been bound over, pursuant to Title 15, section 3101, subsection 4, for a juvenile crime for which the juvenile had the burden of proof with respect to the finding of appropriateness, who is subsequently, as to the juvenile crime's adult counterpart, convicted and sentenced to a sentence alternative involving imprisonment and who has not attained 16 years of age at the time of sentence imposition must be committed to a Department of Corrections juvenile correctional facility for an indeterminate period not to extend beyond the juvenile's 18th birthday to serve the term of imprisonment or any unsuspended portion until discharge from the juvenile correctional facility and once discharged must be transferred to a Department of Corrections adult correctional facility to serve out the remainder of the imprisonment term or unsuspended portion, if any.

**Sec. 2. 34-A MRSA §3802, sub-§1, ¶F**, as amended by PL 2005, c. 328, §18, is further amended to read:

F. To confine juveniles ordered detained pursuant to Title 15, section 3312, subsection 3, paragraph D; and

**Sec. 3. 34-A MRSA §3802, sub-§1, ¶G**, as amended by PL 2005, c. 507, §21, is further amended to read:

G. To confine juveniles ordered confined pursuant to Title 12, sections 6004, 8004 and 10608 and Title 29-A, section 115; and

**Sec. 4. 34-A MRSA §3802, sub-§1, ¶H** is enacted to read:

H. To confine juveniles committed to a juvenile correctional facility pursuant to Title 17-A, section 1259.

**Sec. 5. 34-A MRSA §4102-A, sub-§1, ¶F**, as enacted by PL 2005, c. 328, §22, is amended to read:

F. To confine juveniles ordered detained pursuant to Title 15, section 3312, subsection 3, paragraph D; and

**Sec. 6. 34-A MRSA §4102-A, sub-§1, ¶G**, as amended by PL 2005, c. 507, §25, is further amended to read:

G. To confine juveniles ordered confined pursuant to Title 12, sections 6004, 8004 and 10608 and Title 29-A, section 115; and

**Sec. 7. 34-A MRSA §4102-A, sub-§1, ¶H** is enacted to read:

H. To confine juveniles committed to a juvenile correctional facility pursuant to Title 17-A, section 1259.

## SUMMARY

This bill requires blended sentencing for a juvenile bound over and convicted as an adult and sentenced to imprisonment if the juvenile has not attained 16 years of age at the time of sentencing and if the offense for which the juvenile was convicted is listed in the Maine Revised Statutes, Title 15, section 3101, subsection 4, paragraph C-2 as one for which the juvenile had the burden of proving bind-over was not appropriate. Blended sentencing affects only the place where imprisonment is served and means that the term of imprisonment, or, in the case of a split sentence, the unsuspended portion, imposed by the court must first be served in a Department of Corrections juvenile facility until the juvenile reaches 18 years of age or is sooner discharged from the facility and any imprisonment time remaining must then be served in a Department of Corrections adult facility.