

STATE OF MAINE

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MAINE PROSECUTORS ASSOCIATION **SHIRA BURNS, EXECUTIVE DIRECTOR**

“An Act to Expand the Jurisdiction of the Sentence Review Panel of the Supreme Judicial Court”
Before the Joint Standing Committee on Judiciary

Public Hearing Date: March 2, 2023
Testimony in Opposition of LD 363

Senator Carney, Representative Moonen and members of the Joint Standing Committee on Judiciary. My name is Shira Burns and I represent the Maine Prosecutors Association. I am here to testify in opposition of LD 363.

It is hard to consider the merits of the bill without first discussing the reality that there are no resources to even implement this procedure. Throughout this week you have heard from all three parties in the criminal justice system, indigent legal services, prosecutors, and judiciary that we are in crisis and cannot keep up with the current criminal caseload. The Maine Prosecutors Association’s priority this session has been threefold to address the criminal caseload; 1) reclassify criminal offenses to civil violations and oppose the establishment of new criminal offenses that do not affect public safety or victim safety, 2) procuring more resources for all parties in the criminal justice system and 3) advocating and suggesting ways within our existing system to be more efficient, victim centered, while adhering to all of a defendant’s constitutional rights. That is the only way we are going to be able to move forward. Speaking just for prosecutors, we absolutely do not have the resources to take on more appeals. We do not have an appellate unit or outside agency that does appeals for our prosecutors. Every assistant district attorney has to do their own appeals, which includes researching and writing the brief, working on the appendix, and arguing in front of the Maine Supreme Judicial Court. This all happens when they are still expected to be in court every day dealing with their unmanageable caseloads.

Now, looking at the merits of the bill with the lens of advocating for more efficient court processes that are victim centered while adhering to a defendant’s constitutional rights, this bill stops right in its tracks. This is not a constitutional issue, this is not victim centered, and this is not more efficient. Finality is a very big deal when you are a victim of a crime and the criminal justice process moves at a snail’s pace.

Judges are not allowed to just sentence a defendant to anything they want. They are restricted to the laws that are already in place. This includes the statutory maximum of fines, imprisonment, and probation for the level of offense they were convicted of and to follow the sentencing guidelines promulgated in Title 17-A of the Maine Revised Statutes. If it is an illegal sentence, the defendant does have a right to appeal.

For these reasons, the Maine Prosecutors Association is in opposition of LD 363.