



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

P.O. Box 17642
Portland, ME 04112-8642
(207) 523-9869
mainemacdl@gmail.com

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Senator Anne Beebe-Center, Chair
Representative Suzanne Salisbury
Committee on Criminal Justice & Public Safety
100 State House Station Room 436
Augusta, ME 04330

RE: LD 405 -- An Act to Prevent False Reporting Leading to Evacuation,
Shutdown or Lockdown

Dear Senator Beebe-Center, Representative Salisbury, and Members of the Criminal
Justice and Public Safety Committee:

MACDL opposes LD 405.

While false reports that cause evacuations or shutdowns are serious matters, they do not need to be full-blown Class C felonies. As it stands now, an offense like this would be considered a Class D crime, punishable by up to 364 days in jail. There is no suggestion that someone was convicted of this crime and a judge felt some constraint in sentencing because the person could only be sentenced to a jail sentence of 364 days. Making a crime like this a felony absent any need to do so would only serve to promote the further felonization of crimes in our Criminal Code. Certainly anyone can come before this Committee and indicate that a particular crime is terrible and deserves punishment, but before a crime is made a felony this Committee needs to take a strong hard look at whether the current level of crime is insufficient.

There is no insufficiency here. A person coming before a judge having been convicted of the Class D crime of false public alarm or report is a person who can go to jail for a significant period of time and pay a hefty fine. Over 30 years, I have seen countless false public alarm or report cases and their sentencings. There is no judge, much less really any prosecutor, who has ever indicated that the punishment that they are allowed to impose cannot meet the crime.

Thank you for the opportunity to address this issue.

Sincerely,

Walter F. McKee
Chair, Legislative Committee