

TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 405 – Ought Not To Pass

**An Act to Prevent False Reporting Leading to Evacuation,
Shutdown or Lockdown**

Joint Standing Committee on Criminal Justice and Public Safety

March 6, 2023

Senator Beebe-Center, Representative Salisbury and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Michael Kebede, and I am Policy Counsel for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to oppose LD 405, legislation that creates a new felony but would not prevent the behavior it seeks to stop.

LD 405 creates an offense titled “aggravated false public alarm.” A person commits this felony if they intentionally make a false statement to law enforcement or emergency services and that statement causes a school or other building to be evacuated or shut down *or* prompts an emergency response.

We appreciate that an evacuation or lockdown in—for example—a school or college dorm can be traumatic and an inefficient use of emergency services. But expanding our criminal legal system is an ineffective and unnecessary way to prevent or address those harms. There is little evidence that making something a felony disincentivizes behavior. And the statute as written already criminalizes making false reports regardless of whether the receiving emergency service acts on the report—the people criminalized by this bill are already criminalized by the rest of the statute.

Conversely, creating a new crime has concrete, realized harms: it has a disproportionate effect on those who are already marginalized, does not actually prevent undesirable behavior, and places even more power in the hands of a criminal legal system that is not equipped to address systemic societal harms even when it is not teetering on collapse (as Maine’s currently is). Because this bill would not prevent the behavior it seeks to prevent and instead would grow our already overloaded criminal legal system, we urge you to vote *ought not to pass*.