

TESTIMONY OF MICHAEL KEBEDE, ESQ.

Ought Not to Pass

LD 1340, An Act to Prohibit the Sale or Possession of Rapid-fire Modification Devices

JOINT STANDING COMMITTEE ON
CRIMINAL JUSTICE & PUBLIC SAFETY

May 8, 2023

Senator Beebe-Center, Representative Salisbury, and distinguished members of the Joint Standing Committee on Criminal Justice & Public Safety, good morning. My name is Michael Kebede, and I am the Policy Counsel at the ACLU of Maine, a statewide organization committed to advancing and preserving civil rights and civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge you to oppose LD 1340 because it would expand our criminal legal system by creating a new crime, strengthening a failed method of problem-solving.

The right to own and use guns is not absolute nor free from government regulation. Firearms are inherently dangerous instrumentalities and their use, unlike other activities protected by the Bill of Rights, can inflict serious bodily injury or death. Therefore, firearms are subject to reasonable regulation in the interests of public safety, crime prevention, maintaining the peace, environmental protection, and public health. We recognize that gun violence is increasing, reaching levels not seen in the past twenty years.¹ Black people and young people age 18 to 24 are the most frequent victims of gun violence.² And, we recognize that this committee is tasked with creating public policy that promotes public safety in our state, and may feel moved to enact gun control measures as part of its work. We ask that as you deliberate over these bills other bills like them, that you look for solutions that do the most good while preventing the most harm, and consider in your weighing process whether creating new crimes is the best way to change behavior.

¹ See Ed Pilkington, *Gun deaths in US rise to highest level in 20 years, data shows*, THE GUARDIAN, Dec. 13, 2018, available at <https://www.theguardian.com/us-news/2018/dec/13/us-gun-deaths-levels-cdc2017>

² *Firearm Violence, 1993-2011*, Bureau of Justice Statistics, available at <https://bjs.ojp.gov/press-release/firearm-violence-1993-2011>.

Every three seconds a person is arrested in this country. According to the FBI, of the 10.3 million arrests each year, only 5 percent are for offenses involving violence. Popular culture teaches that people who are accused of crimes are violent and dangerous, but the vast majority of people who are arrested each year are accused of relatively minor infractions. More than three fourths of Maine's arrests every year are for misdemeanors. Moreover, the system disproportionately arrests people of color as compared to white people, so that while 1.6 percent of Maine's population is Black, Black people make up 5 percent of all arrests and more than 10 percent of those in Maine's prisons.

It does not have to be this way. Another gun bill from this legislative session, LD 60, attempts to curb gun violence without creating a new crime. That bill creates new civil infractions with a \$200 to \$500 fine for the first violation and a \$500 to \$1,000 fine for a subsequent violation. That approach is less harmful than new crimes.

We can shrink our outsized and misused criminal justice system and commit our resources to things that make communities healthier and safer: education, housing, and health care. We lock up more people in this country than any country in the history of the world and our incarceration rate in Maine is higher than most NATO member states. A better world begins with making the commitment to stop turning to the criminal justice system to solve society's problems. Unless it is amended to remove the new crime, we urge you to vote that LD 1340 *ought not to pass*.

Thank you for your time and attention.