

CLAC MEMORANDUM/TESTIMONY
LD 1771 (Opposed)

TO: Senator Anne Carney
Representative Matt Moonen
Joint Standing Committee on Judiciary

FR: Criminal Law Advisory Commission (CLAC)
c/o laura.yustak@maine.gov

RE: LD 1771, An Act Regarding Speedy Trials

DA: May 10, 2023

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony in opposition to LD 1771.

CLAC supports the policy of prompt adjudication of criminal charges, which benefits both victims and accused persons. Speedy trial legislation reflects laudable goals, but the proposed bill sacrifices public safety, accountability, and justice for victims for unrealistic deadlines that do not take into account the resources necessary to process cases or the time needed to investigate complex cases, litigate legal questions presented by substantive motions, or accommodate dispositional and settlement conferences. There appears to be no provision for delays attributable to scheduling substantive motions, and there is no discretion afforded to the court if the statutory time limits are not met (“the court shall dismiss the case with prejudice”).

CLAC does not have the information needed to address the cost of resources or the logistics of implementing this proposal. However, we recognize that the January 1, 2024 effective date is unrealistic, given the current court backlog. The proposal does not indicate whether currently pending cases would be subject to the deadlines, and whether they should be delayed further or given priority to allow new cases to be litigated within the deadlines. We also note that at least the following personnel and facilities would require substantial additional resources: defense counsel, defense investigators and experts, prosecutors, law enforcement, judges, court marshals, court clerks, the Office of Chief Medical Examiner, State Forensic Services, the Health and Environmental Testing Lab, and the State Crime Lab. Counties would need financial resources for witness fees and support staff for District Attorneys’ offices.

*CLAC is an advisory body established by the Legislature. 17-A M.R.S. §§ 1351-1357. It consists of 9 members appointed by the Attorney General. Our current members include current defense attorneys, prosecutors, Maine Bar Counsel, and a retired practitioner with experience as defense counsel, prosecutor and in court administration. In addition, three sitting judges and one retired practitioner, appointed by the Chief Justice of the Supreme Judicial Court, and, by statute, the Co-Chairs of the Legislature’s Committee on Criminal Justice and Public Safety, serve as consultants. The Supreme Judicial Court’s Criminal Process Manager serves as liaison from the Court to CLAC. CLAC advises the Legislature on matters relating to crimes in the Criminal Code and in other Titles, the Bail and Juvenile Codes, and with respect to other statutes related to criminal justice processes.