
**Testimony of Andrea Mancuso, on behalf of the Maine Coalition to End Domestic Violence
Neither for Nor Against LD 1771: “An Act Regarding Speedy Trials”
Before the Joint Standing Committee on Judiciary
Wednesday, May 10, 2023**

Senator Carney, Representative Moonen, and members of the Joint Standing Committee on Judiciary, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)¹ to raise issues for your consideration regarding LD 1771, “An Act Regarding Speedy Trials.”

Current case resolutions timeframes in our criminal courts serve no one well, including crime victims. Many of the interests a defendant has in having a timely resolution of the criminal charges against them overlap with the interests of the person they have harmed. Our network works with thousands of crime victims each year as the criminal cases against those who have harmed them drag on. These cases are delayed due to things like requests for continuances while defendants build their resume of rehabilitative actions, scheduling conflicts of the parties involved, too many cases vying for court time (a problem which existed prior to 2020), and countless dispositional conferences as the state and defense attempt to reach a negotiated resolution. For many victims, each court date brings them back to one of the most difficult and traumatic series of events, raises their hopes for resolution, and results in frustration and confusion as to why the process is taking so long. Prolonged judicial process is a burden for crime victims. It impacts their ability to have closure.

From a practical perspective, many of the victims we work with are actively in the process of moving, rebuilding their social supports, changing their contact information, and attempting to recover and heal from the harm that was caused. Particularly where our district attorneys’ offices already struggle to support meaningful engagement of crime victims in the process, the longer the case takes to resolve, the more likely it is that the state no longer has accurate contact information for the victim and/or that the victim no longer sees participating in the process as worthwhile. Given all of the above, MCEDV supports the policy goal of this bill to ensure that criminal cases are actually resolved in a timely manner.

However, we ask you to reconsider the proposal that the remedy for noncompliance with the speedy trial requirements outlined must always be dismissal *with prejudice*. Such a bright line,

¹ MCEDV serves a membership of eight regional domestic violence resource centers as well as the Immigrant Resource Center of Maine. Our member programs provided services to more than 12,000 victims of domestic abuse and violence and their children in Maine last year.

without any room for a court to balance the potential harms, will prejudice crime victims due to no fault of their own, eliminating potential pathways to enhancing their safety (which incarceration, rehabilitative programs and/or a set period of community supervision can bring) as well as making it more challenging for them to recover any economic loss they may have suffered.

We would also note for the Committee's consideration that some states codify victim-centered rights around ensuring a timely process, up to and including giving victims the ability to object to a delay and requiring a court to consider the victim's objection. In some states the rights of victims to a speedy process are even enshrined in the state's constitution. There is also precedent in other state's statutes for addressing the practical realities of a speedier case resolution, such as giving the State a period of time after sentencing to investigate and present to the court the nature and amount of economic damages a crime victim has suffered as a result of the crime for purposes of a restitution order. We raise these few examples to highlight that, when criminal process is changed, all aspects of the practical consequences and possibilities for positive change should be considered thoughtfully in order to achieve a proper balance of the interests and rights of all involved. Though we support the goal of LD 1771, we would ask you to consider that the proposal in front of you does not yet accomplish a right balance.

Thank you for the opportunity to raise these issues. MCEDV and our member programs are happy to serve as a resource to the Committee as this bill moves through the process.

Contact Information:

Andrea Mancuso, Esq.

Public Policy Director

Maine Coalition to End Domestic Violence (MCEDV)

Ph: (207) 650-4356

Email: andrea@mcedv.org