



TESTIMONY OF MICHAEL KEBEDE, ESQ., ON BEHALF OF THE AMERICAN CIVIL LIBERTIES UNION OF MAINE AND MAINE PRISONER ADVOCACY COALITION

Ought to Pass – LD 1359

An Act to Provide an Opportunity for Resentencing for Individuals Who Were Sentenced for Crimes Committed as Juveniles

JOINT STANDING COMMITTEE ON
CRIMINAL JUSTICE AND PUBLIC SAFETY

May 18, 2023

Senator Beebe-Center, Representative Salisbury, and distinguished members of the Joint Standing Committee on Judiciary, greetings. On behalf of the American Civil Liberties Union of Maine and the Maine Prisoner Advocacy Coalition, I urge you to support this bill because it would ensure that our laws are fairer and our state more just.

Even before the popularization of the so-called “superpredator” label in the 1990s, many states’ criminal laws started treating some youth as adults beginning in the 1980s.¹ Maine was no exception. 15 MRS § 3101 (allowing juveniles to be tried as adults). Since those times, public opinion has shifted, thanks in no small part to advances in neuroscience that have revealed fundamental differences between adult and developing minds, and between neurotypical minds and minds deeply shaped by complex trauma.² Prominent policymakers like Hilary Clinton, who famously called teenagers “superpredators,” have apologized for their mistake.³

Unfortunately, Maine law has not caught up with science. Some juveniles tried as adults are still serving prison sentences that should have been available only to adults. This bill would offer some relief to some people in Maine who were tried as adults, even though they were children

¹ Jeff Slowikowski, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, OJJDP, June 2010, available at <https://www.ojp.gov/pdffiles1/ojjdp/220595.pdf>

² Christopher M. Northrop, Jill M. Ward, Jonathan J. Ruterbories & Jess N. Mizzi, *What's My Age Again?: Adolescent Development and the Case for Expanding Original Juvenile Court Jurisdiction and Investing in Alternatives for Emerging Adults Involved in Maine's Justice System*, 74 Me. L. Rev. 243 (2022), available at <https://digitalcommons.minelaw.maine.edu/mlr/vol174/iss2/5>

³ Katie Reilly, *Hillary Clinton Apologizes for 'Superpredator' Remark*, Feb. 26, 2016, Time, available at <https://time.com/4238230/hillary-clinton-black-lives-matter-superpredator/>

when they committed the act for which they were sentenced. If enacted, this bill would allow juveniles convicted as adults to petition courts to modify their sentence in a variety of ways. It would also prohibit courts to sentence juveniles tried as adults to death in prison. For juveniles convicted as adults who were sentenced prior to October 1, 2023 and who have been imprisoned for at least 20 years, this bill will provide an opportunity to request a sentence reduction, even if the original motion for modification of sentence was denied.

This bill is modeled on Maryland's Juvenile Restoration Act, which, since its enactment in late 2021, has provided much needed relief to dozens of people who, although children at the time of their offense, were tried as adults. This bill will move Maine away from irrational and fear-based punishments, and ensure that our laws are just, humane, and rooted in science. We urge you to vote *ought to pass*.