

CLAC MEMORANDUM/TESTIMONY
LD 2130 (NFNA)

TO: Senator Anne Beebe-Center
Representative Suzanne Salisbury
Joint Standing Committee on Criminal Justice and Public Safety

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

RE: LD 2130, An Act to Prohibit Unauthorized Paramilitary Training

DA: January 27, 2024

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony neither for nor against LD 2130.

CLAC members were divided on this bill, with a majority of those present supporting the bill, and several members questioning whether new prohibitions might present constitutional issues. All CLAC members present recommended drafting changes to clarify the applicable culpable mental state, lessen the likelihood of constitutional infirmity, and bring the language more in line with drafting conventions pertaining to Maine statutes. CLAC focused on the appropriate level of culpable mental state, and did not attempt further wordsmithing to streamline these provisions.

2. Unauthorized paramilitary training prohibited. ~~A person may not:~~
A person is guilty of unauthorized paramilitary training if that person intentionally or knowingly:

A. Teaches or demonstrates to another person or trains another person in the use, application or making of a firearm, explosive or incendiary device capable of causing injury to or the death of, or techniques capable of causing injury to or the death of, another person if the person teaching, training or demonstrating knows or demonstrating is intended to be used in or in furtherance of civil disorder; or

B. Assembles with one or more other persons for the purpose of practicing or being trained or instructed in the use, application or making of a firearm, explosive or incendiary device capable of causing injury to or the death of, or in techniques capable of causing injury to or the death of, another person if the person knows or reasonably should know intending or knowing that the practicing, training or instruction is intended to be used in or in furtherance of civil disorder.

*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.