



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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March 7, 2024

Senator Anne Beebe-Center, Chair
Representative Suzanne Salisbury, Chair
Committee on Criminal Justice and Public Safety
5 State House Station, Room 436
Augusta, ME 04333

RE: LD 2246 “An Act to Establish a Minimum Value Threshold for the Class C Crime of Theft by a Repeat Offender.”

Dear Senator Beebe-Center, Representative Salisbury, and Members of the Committee on Criminal Justice and Public Safety:

MACDL **supports** LD 2246.

LD 2246 seeks to impose a reasonable threshold requirement before charging someone with a felony theft based on prior theft convictions.

The use of so-called “three strike laws” is an outmoded and unjust way of prosecuting criminal defendants. This reality is no more clearly on display than in Maine’s current law allowing for prosecution of felony thefts based on 2 or more prior convictions.

Under the current law, 17-A M.R.S. § 353(1)(B)(6), someone can be convicted of a felony theft for a third theft conviction within a 10-year period without any consideration given to the nature of the theft convictions. In other words, 3 petty shop lifting cases where a person without money steals food could result in him or her being made a felon for the rest of his or her life. The imposition of a felony conviction with its many impacts on housing, employment, firearm possession, and more should require far more egregious conduct than three minor shoplifting offenses.

MACDL’s support of LD 2246 does not discredit the important sentencing consideration given to recidivism. Repeat offenders often deserve harsher penalties. Title 17-A, however, already provides the mechanism for doing so with the possibility of sending repeat offenders to jail for up to 6 months, which is far more severe than fines typically imposed on first and second offense theft cases.

Maine’s current theft with priors law is unnecessary and unjust. LD 2246 proposes setting a reasonable threshold amount to capture more serious recidivist conduct and avoid making poor people into felons.

For these reasons, MACDL supports LD 2246.

Sincerely,

/s/ Matthew D. Morgan

Matthew D. Morgan, Esq.
MACDL President-Elect