

CLAC MEMORANDUM/TESTIMONY
LD 2246 (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 2246, An Act to Establish a Minimum Value Threshold for the Class C Crime of Theft
by a Repeat Offender

DA: March 12, 2024

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony neither for nor against LD 2246.

Several CLAC members noted that requiring a floor for the value of the property may restrict the ability of law enforcement and prosecutors to respond to/deter retail theft rings. The ability to charge a Class C crime makes probation an option, which may be appropriate when repeated thefts are linked to other issues, for example, substance use, and probation could be an appropriate tool to encourage treatment or other rehabilitation. The group identified no drafting concerns.

*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.