



**Written Statement of Bryan Widenhouse
State Legislative Affairs Manager, FAMM
Maine Joint Committee on Criminal Justice and Public Safety
Supporting LD 268
February 7, 2025**

Dear Chair Beebe-Center, Chair Hasenfus, and members of the Committee,

Thank you for the opportunity to support **LD 268**, which would restore judicial discretion to sentencing judges. I write on behalf of FAMM, a national nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families. We unite current and formerly incarcerated people, their families and loved ones, and a diverse network of concerned citizens working to improve our system of justice. FAMM supports **LD 268** and asks you to please vote “yes” on this legislation.

We applaud the Committee for considering reforms that would restore judicial discretion. This legislation would allow judges to diverge from mandatory sentencing when applicable to the interest of justice. FAMM supports eliminating mandatory minimums because there is no evidence to support the claim that mandatory minimum sentences reduce crime. The Federal Government’s National Institute of Justice has made clear that it is the certainty of being caught, not the severity of the punishment, that deters crime.¹ As it relates to drug-related crime, the body of evidence weighs even more heavily against lengthy punishment. A 50-state study from the Pew Charitable Trusts found no significant relationship between drug sentencing and three key indicators of drug epidemics: illicit drug use, drug arrests, and overdoses rates.²

Furthermore, restoring judicial discretion would minimize unreasonable, unnecessary, and counterproductive prison sentences. Sentences should fit the crime and each person’s unique role and needs. One-size-fits-all sentences do not permit courts to consider all relevant facts and circumstances about the crime and its impact on the community, or the individual’s criminal record, role, motive, profit, age, likelihood of rehabilitation, or need for mental health or drug treatment, for example. The mandatory minimum sentence sometimes is the right punishment in a particular case and judges have flexibility to impose that under the statutory maximum. But many other times, these penalties are unjust, irrational, and counterproductive. Giving judges discretion during sentencing does not mean no one goes to prison, or that serious offenders escape punishment. Rather, it means expensive prison cells and long sentences are used wisely, not indiscriminately.

¹ National Institute of Justice, “Five Things about Deterrence,” May 2016. <https://www.ncjrs.gov/pdffiles1/nij/247350.pdf>

² Pew Charitable Trusts, “More Imprisonment Does Not Reduce State Drug Problems.” Mar. 8, 2018. <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems>

Please visit FAMM's website for more information on why mandatory minimums don't work.³ For the reasons above, **we urge the Committee to support and advance LD 268.** Thank you for considering our views. Please feel free to contact me at (267) 644-8964 or bwidhouse@famm.org with any questions or to discuss this matter further.

³ See FAMM's Policy Resource Library on Sentencing Reform at <https://famm.org/our-work/policy-resource-library/#sentencing-reform>.