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Judicial Branch testimony neither for nor against LD 268, An Act to Restore Sentencing Discretion to the Judiciary by Removing Mandatory Minimum Sentences of Incarceration:

Senator Beebe-Center, Representative Hasenfus, members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Julie Finn and I represent the Judicial Branch. I would like to present testimony neither for nor against LD 268.

While judges exercise discretion in the imposition of every criminal sentence, the guardrails are set by the Legislature. LD 268 proposes to add a section to Title 17-A, Chapter 63 allowing judges and justices to impose sentences that are shorter than mandatory minimum sentences contained elsewhere in statute.

Because restrictions and expansions on sentencing are policy questions, the Judicial Branch takes no position on this bill. However, we would like to point out that the summary at the end of the LD seems to misstate the statutory changes set forth in the bill. It states that the bill would “change all mandatory terms of imprisonment for persons sentenced beginning on [January 1, 2026] to maximum terms of imprisonment.” In other words, minimums would become maximums. We wanted to mention this to the sponsor, and others in support of this bill, so that the intent could be clarified.

I would be happy to answer any questions. Thank you for your time.