



TESTIMONY OF MICHAEL KEBEDE, ESQ.
LD 268 – Ought to Pass

**An Act to Restore Sentencing Discretion to the Judiciary by Removing
Mandatory Minimum Sentences of Incarceration**

Joint Standing Committee on
Criminal Justice & Public Safety
February 10, 2025

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Senator Beebe-Center, Representative Hasenfus and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Michael Kebede and I am policy director at the ACLU of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to support LD 268.

LD 268 would strengthen judges' power to make decisions based on the individual circumstances of each case. It would do this by amending the Maine Criminal Code to replace mandatory minimum sentences with alternatives, including incarceration, empowering judges to respond to the relevant facts of each unique case. This individualized approach responds to the many factors that contribute to criminal behaviors while recognizing that mandatory minimums do not deter criminal conduct.¹ In fact, increased sentence length in general has no deterrent effect.²

The ACLU of Maine has long opposed mandatory sentencing laws because they result in unjust sentences, contribute to racial disparities in the criminal legal system,³ and limit the sentencing discretion of judges. Mandatory sentences create a system that undermines our notion of justice by forcing identical outcomes onto differing situations. When judges are restricted by mandatory sentences, they cannot assess an individual's culpability or other factors that have a bearing on recidivism, thus resulting in inappropriate sentences.

Mandatory minimum sentences tie judges' hands to arbitrary sentences and empower prosecutors to force defendants to bargain away their

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

² *Id.*

³ M. Marit Rehavi & Sonja B. Starr, *Racial Disparity in Federal Criminal Sentence*, J. Pol. Econ. 122,
<https://repository.law.umich.edu/cgi/viewcontent.cgi?article=2413&context=articles>.



constitutional rights. They also fuel mass incarceration without increasing public safety or deterring crime.

We urge you to pass LD 268.

Thank you for your time and attention.

Michael Kebede
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LD 268

(version with corrected footnotes attached)