



Maine Chiefs of Police Association

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Statement in opposition to

L.D. 449, An Act to Authorize a Court to Conditionally Discharge Certain Criminal Defendants

Joint Standing Committee on Judiciary

February 24, 2025

Senator Carney, Representative Kuhn, and honorable members of the Judiciary Committee. My name is Jason Moen. I am the Chief of the Auburn Police Department, and the President of the Maine Chiefs of Police Association. I am submitting testimony on behalf of the Maine Chiefs of Police Association in opposition to LD 449.

The mission of the Maine Chiefs of Police Association is to secure a closer official and personal relationship among Maine Police Officials; to secure a unity of action in law enforcement matters; to enhance the standards of police personnel, police training and police professionalism generally; to devise ways and means for equality of law enforcement throughout the state of Maine; to advance the prevention and detection of crime; to prescribe to the Law Enforcement Code of Ethics; and to promote the profession of law enforcement as an integral and dedicated force in today's society sworn to the protection of life and property.

Under this proposal, a court is authorized to enter an order of conditional discharge suspending all of a defendant's pending criminal proceedings for up to 6 months, so long as the defendant refrains from criminal conduct and abides by certain conditions, similar to conditions of probation, that the court considers to be reasonable and appropriate to assist the defendant in leading a law-abiding life. This option would be available to certain defendants who have never been convicted previously of a Class A, Class B, or Class C crime and are currently charged with only one or more Class B drug crimes or any Class D or Class E crimes.

Here are some examples of Class A and B crimes in which a defendant could avoid any jail time under this legislation: murder, manslaughter, aggravated trafficking of drugs, robbery, sexual assault, and operating a vehicle under the influence resulting in severe physical harm. These are all serious crimes and tend to be crimes in which a victim and their family members demand

to see significant consequences imposed on the defendant. They expect the judicial system to hold those who have committed these crimes accountable for their actions. To do otherwise fails these families and leaves a blemish on the entire judicial system.

Additionally, a defendant must be willing to comply with all court-imposed conditions. These conditions may include participating in an electronic monitoring program, receiving mental health services, and avoiding criminal activity. It is up to the defendant to comply with these conditions, but in many cases, there is a strong likelihood of recidivism or the defendant purposely manipulating the system to avoid incarceration. Not only has the system failed to provide a supervised environment in which the defendant is obligated to participate in intensive rehabilitation programs, but members of the public may also be faced with further actions by the defendant that puts them in harm's way.

On behalf of the Maine Chiefs of Police Association, we respectfully ask members to vote Ought Not to Pass on LD 449.