

CLAC MEMORANDUM/TESTIMONY

IN SUPPORT of LD #592

An Act to Amend the Laws Governing the Crime of Endangering the Welfare of a Child

TO: Senator Anne Beebe-Center
Representative Tavis Hasenfus
Joint Standing Committee on Criminal Justice and Public Safety

FR: Criminal Law Advisory Commission (CLAC)

RE: LD # 592
An Act to Amend the Laws Governing the Crime of Endangering the Welfare Child

DA: March 10, 2025

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony regarding LD #592.

CLAC supports LD #592. The proposal in sections 2 and 3 recognizes that conduct endangering the health, safety or welfare of a child and resulting in a more serious outcome -- serious bodily injury or death of a child -- should be classified as a more serious crime. This approach is similar to that employed across the criminal statutes, most obviously in the assault and aggravated assault statutes, where a more serious result element leads to a higher classification for aggravated assault.

CLAC supports the proposed placement of the term “recklessly” in sections 2-4 to clarify that the culpable mental state applies to the actor’s violation of a duty of care or protection.

Note this bill is like a previous bill LD #761 brought in 2023, which CLAC supported parts of and opposed part of. The present LD #592 eliminates the part that CLAC opposed in the previous bill.

*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 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.