



Bill: LD 1113
An Act Regarding Fairness in Sentencing for Persons Under 26 Years of Age
Date: March 312, 2025
Position: SUPPORT
Committee: Joint Committee on Judiciary
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Chairs Carney and Kuhn, and distinguished members of the Joint Committee on Judiciary:

We write on behalf of Fair and Just Prosecution (FJP) to express our support for LD 1113, “An Act Regarding Fairness in Sentencing for Persons Under 26 Years of Age.” FJP, a project of the Tides Center, is a national organization that brings together elected prosecutors as part of a nonpartisan network of leaders committed to improving public safety and promoting justice. FJP works with a new generation of prosecutors from all across the country who are committed to a justice system grounded in fairness, compassion, and fiscal responsibility. The leaders we work with hail from over 60 jurisdictions — urban, suburban, and rural alike — and they collectively represent nearly 20 percent of our nation’s population.

FJP encourages state and local leaders to examine their criminal legal system’s practices and consider policies that create a fairer approach to criminal justice. We support measures that provide opportunities for sentencing review and other second-look mechanisms for revisiting and mitigating lengthy sentences in cases where returning an individual to their community is consistent with public safety and the interests of justice.

We believe that second look reforms such as Maine’s LD 1113, which ensures that people younger than 26 are not given sentences that are tantamount to endless punishment, are an integral part of promoting justice and fairness. First, it is well-established that the adolescent brain is not fully developed until the mid-20s. Consequently, children and emerging adults are less capable than adults in long-term planning, the regulation of emotion, impulse control, and the evaluation of risk and reward. At the same time, because their brains have not yet fully matured, young people possess a unique capacity for positive change. Therefore, when they cause harm, young people should be held accountable in age-appropriate ways that focus on their profound rehabilitative potential. As a result of legislation similar to LD 1113 that has been enacted in other states, many individuals who were sentenced to lengthy prison terms as youth currently make their communities stronger and safer by mentoring at-risk youth, running food

ministries in low-income areas, and serving as substance abuse counselors, restorative justice practitioners, and re-entry specialists.

Too many members of our communities are growing old in prisons, often serving sentences far longer than necessary for accountability and rehabilitation. Many of them can safely return to our communities and deserve to be considered for an opportunity to come home. We believe that providing opportunities for sentencing review and modification is consistent with public safety and the interests of justice. In a joint statement urging policymakers and legislators to create and expand second look mechanisms, dozens of elected prosecutors and law enforcement leaders underscored the extensive research showing that lengthy sentences have not deterred crime or promoted public safety. They contended that there is no reason to maintain lengthy sentences when the individuals serving them demonstrate capability of rehabilitation.¹

As set forth in FJP's [issue brief](#) discussing sentence modification tools, these mechanisms advance fairness and public safety. They address extreme, disproportionate, and oftentimes discriminatory sentences imposed on people during a "tough-on-crime" era, which are substantially harsher than they would have received today. Extensive criminological evidence demonstrates that many people in prison, especially those serving extreme sentences, have "aged out" of criminal behavior and are at very low risk of committing future crime and could be released without negatively affecting public safety.² Providing opportunities for release or sentence reduction incentivizes transformation and rehabilitation inside prison, which also advances public safety and improves people's lives. Second chance mechanisms further enable communities to divert the immense resources needed to keep elderly, low-risk people in prison and invest them in effective crime-prevention and rehabilitation programs.³

Many prosecutors who FJP works with encourage and support legislative second look mechanisms⁴ and have implemented changes within their offices to provide sentencing

¹ *Joint Statement on Sentencing Second Chances and Addressing Past Extreme Sentences*, Fair and Just Prosecution, (2021) <https://fairandjustprosecution.org/wp-content/uploads/2021/04/FJP-Extreme-Sentences-and-Second-Chances-Joint-Statement.pdf>.

² Emily Widra, *Incarceration Shortens Life Expectancy*, Prison Policy Initiative, (Jun. 2017) https://www.prisonpolicy.org/blog/2017/06/26/life_expectancy/; Farah Acher Kaiksow, Lars Brown, Kristin Brunzell Merse, *Caring for the Rapidly Aging Incarcerated Population: The Role of Policy*, Journal of Gerontological Nursing, (Mar. 2023) <https://pmc.ncbi.nlm.nih.gov/articles/PMC10129364/>.

³ *Revisiting Past Extreme Sentences: Sentencing Review and Second Chances*, Fair and Just Prosecution, (Feb. 2020) https://www.fairandjustprosecution.org/staging/wp-content/uploads/2020/02/FJP_Issue-Brief_SentencingReview.pdf.

⁴ See Becky Feldman, *The Second Look Movement: A Review of the Nation's Sentence Review Laws*, The Sentencing Project (May 2024) <https://www.sentencingproject.org/reports/the-second-look-movement-a-review-of-the-nations-sentence-review-laws/>.

modification opportunities.⁵ Research we co-led found remarkable public support for resentencing opportunities.⁶ In states and jurisdictions where changes in the law allow for the release of people previously sentenced to extreme prison terms, including life without the possibility of parole, research has shown low recidivism rates and positive outcomes for communities.⁷

Young people in particular have profound rehabilitative potential. Because their brains are still developing, they can experience dramatic positive transformation, move beyond their worst moment, and live healthy, productive lives. For justice to be done, when we recognize that a person has been rehabilitated, especially a person who was sentenced as a youth, we must provide them with a meaningful opportunity to demonstrate their suitability for release.

This is not to diminish our concern for public safety and the rights and healing of survivors of violence and families of victims. But justice is not a zero-sum game in which we are able to only concern ourselves with one side of the equation. These priorities must be balanced with other cherished values, such as our beliefs in redemption and second chances and our concern for the well-being and positive development of all people. The need for age-appropriate sentencing does not offend our commitments to victims and public safety, given how many of these young offenders were themselves victims of violence and the overwhelming success they enjoy when they receive a second chance.

FJP strongly supports LD 1113. It will ensure that people whose adolescent brains have not fully developed are not consigned to permanent punishment with no meaningful opportunity to see who the person goes on to become and whether the person has experienced rehabilitation. Most fundamentally, LD 1113 is about hope. This legislation is rooted in the beliefs that all young people, without exception, are deserving of our compassion and concern, and should never be told that they have no hope for the future. At the same time, this legislation also ensures that the

⁵ See, e.g., Marco Poggio, *Minnesota Joins Prosecutor-Led Resentencing Law Movement*, Law 360 (Jun. 2023), <https://www.law360.com/articles/1680599/minnesota-joins-prosecutor-led-resentencing-law-movement>; Brooklyn District Attorney Eric Gonzalez Announces Dedicated Post-Conviction Justice Bureau that Will Include Parole and Clemency Unit, Sealing Unit and Nationally Recognized Conviction Review Unit, The Brooklyn District Attorney's Office, (Apr. 2019) <http://www.brooklynda.org/2019/04/17/brooklyn-district-attorney-eric-gonzalez-announces-dedicated-post-conviction-justice-bureau-that-will-include-parole-and-clemency-unit-sealing-unit-and-nationally-recognized-conviction-review-unit/>; *Post-Conviction Justice Unit*, District Attorney of New York County (Manhattan) <https://manhattanda.org/pcju/>; *Conviction Integrity Unit*, Philadelphia District Attorney's Office, <https://phillyda.org/safety-and-justice/investigations/conviction-integrity-unit-ciui/>; *Sentencing Review Policy & Protocol*, Denver District Attorney's Office Policy, <https://www.denverda.org/wp-content/uploads/2024/08/0805Sentencing-Equity-Policy-updated-June-2024.pdf>.

⁶ *Policies & Polling on Reducing Excessive Prison Terms*, Data for Progress et al., (Feb. 2020) <https://www.filesforprogress.org/memos/reducing-excessive-prison-sentences.pdf>.

⁷ *I Just Want to Give Back*; The Reintegration of People Sentenced to Life Without Parole, Human Rights Watch, (Jun. 2024) https://www.hrw.org/sites/default/files/media_2023/06/usa_lwop0623.pdf.

rights and well-being of victims are respected and the community is protected from safety threats.

We are all of us more than our worst moment, so we must have in place sentencing policies, particularly for young people, that create opportunities for redemption. We ask you to support LD 1113 and give these youth the opportunity to demonstrate that they can change for the better. Thank you.

Sincerely,

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Fair and Just Prosecution