



27 March 2025

Dear Senator Carney, Representative Kuhn, and distinguished members of the Judiciary Committee;

I am writing on behalf of the Restorative Justice Project Maine, in support of LD 1113, "An Act Regarding Fairness in Sentencing for Persons Under 26 Years of Age."

I am a retired physician and am aware of the voluminous medical literature in the last 30 years documenting the developmental difference between older adults and young adults. The human brain continues to develop well into the 20s, particularly the prefrontal cortex, which regulates impulse control and reasoning^{1,2,3,4,5,6,7,8}. Because of this, young adults have notable difficulty moderating their responses in emotionally charged situations and are more likely to engage in risk-seeking behavior.

Most who harm and are caught in our correctional system are young adults, so this new knowledge demands new approaches to harm. If a reckless action committed by a young adult leads to a serious harm justifying imprisonment, it is a tragedy for everyone.

¹ Giedd, J.N., J. Blumenthal, N.O. Jeffries, F.X. Castellanos, H. Liu, A. Zijdenbos, T. Paus, A.C. Evans and J.L. Rapoport (1999). "Brain development during childhood and adolescence: A longitudinal MRI study." *Nature Neuroscience* 2: 861-863.

² Paus, T., A. Zijdenbos, K. Worsley, D.L. Collins, J. Blumenthal, J.N. Giedd, J.L. Rapoport and A.C. Evans (1999). Structural maturation of neural pathways in children and adolescents: In vivo study. *Science* 283: 1908-1911.

³ Sowell, E.R., P.M. Thompson, C.J. Holmes, T.L. Jernigan and A.W. Toga (1999). "In vivo evidence for post-adolescent brain maturation in frontal and striatal regions." *Nature Neuroscience* 2(10): 859-861.

⁴ Sowell, E.R., P.M. Thompson, K.D. Tessner and A.W. Toga (2011). "Mapping continued brain growth and gray matter density reduction in dorsal frontal cortex: Inverse relationships during post-adolescent brain maturation." *Journal of Neuroscience* 21: 8819-8829.

⁵ Gruber, S.A., and D.A. Yurgelun-Todd (2006). "Neurobiology and the law: A role in juvenile justice." *Ohio State Journal of Criminal Law* 3: 321-340.

⁶ Johnson, S.B., R.W. Blum and J.N. Giedd (2009). "Adolescent maturity and the brain: The promise and pitfalls of neuroscience research in adolescent health policy." *Journal of Adolescent Health* 45(3): 216-221.

⁷ Konrad, K., C. Firk and P.J. Uhlhaas (2013). "Brain development during adolescence." *Deutsches Arzteblatt International* 110(25): 425-431.

⁸ Howell, J.C., B.C. Feld, D.P. Mears, D.P. Farrington, R. Loeber and D. Petechuk (2013). "Bulletin 5: Young Offenders and an Effective Response in the Juvenile and Adult Justice Systems: What Happens, What Should Happen, and What We Need to Know." Study Group on the Transitions Between Juvenile Delinquency and Adult Crime. Final report to National Institute of Justice (grant number 2008-IJ-CX-K402). Available at: <https://ncjrs.gov/pdffiles1/nij/grants/242935.pdf>.



Restorative Justice Project Maine

The tragedy is compounded if that individual is not allowed the opportunity to make good on his or her mistakes. It does not benefit society which pays for years of incarceration, and it does not benefit the individual who has lost the opportunity to lead a meaningful and fulfilling life.

To quote from the 2023 Colby College Justice Think Tank Policy Paper;

Maine's criminal legal system does not have robust avenues of restorative justice or diversion programming for emerging adults, even though there is a strong body of research supporting the need for a criminal legal system that incorporates advances in neuroscience that tie 18-to-29-year-olds closer to adolescence than fully developed adulthood.⁹

LD 1113, which prohibits imprisonment without the possibility of supervised community confinement after 15 years of incarceration for those who commit the crime when less than 26 years of age, is a start toward correcting that deficit in Maine law.

Sincerely,

Tim Hughes, M.D.
Legislative Committee, Restorative Justice Project Maine

⁹ Awad, A.L. K. Bridges, T. Gilday, L. Hylton, S. Libby, D. Porter (2023). "Implementing Adult Diversion in Maine." <https://www.colby.edu/wp-content/uploads/2024/01/Implementing-Emerging-Adult-Diversion-in-Maine-2023.pdf>

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LD 1113

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Because of this, young adults have notable difficulty moderating their responses in emotionally charged situations and are more likely to engage in risk-seeking behavior. Most who harm and are caught in our correctional system are young adults, so this new knowledge demands new approaches to harm. If a reckless action committed by a young adult leads to a serious harm justifying imprisonment, it is a tragedy for everyone.

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