

MAINE STATE PRISON BRANCH OF THE



N.A.A.C.P.



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Joint Standing Committee on Judiciary
State House Station 2
Augusta, Me 04333

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The Maine State Prison Branch of the NAACP supports
L.D. 1335 "An Act to Prohibit Life Sentence"

Dear Committee Members,

The primary purpose of Criminal Justice Reform encompasses efforts to improve the criminal justice system, while increasing public safety, reducing crime, addressing racial disparity, and promoting fairness and accountability. An important aspect of this effort to improve the criminal justice system involves sentencing reform. To properly address sentencing reform, meaningful legislation is necessary. LD 1335 "An Act to Prohibit Life Sentence" is a meaningful bill that begins the process to improve Maine's criminal justice system.

Protecting the public from the most dangerous offenders (any offender for that matter) is a goal that we all share. However, is sentencing a person to life imprisonment to die, the only means to achieve our goal of protecting our community and increasing public safety? If so, how does the state of Maine justify sentencing a 19-year-old kid, named Daniel Fortune to four life sentences? Mr. Fortune did not kill anyone, he did not assault anyone, and yet, a Maine judge sentenced the 19-year-old kid to die in prison four times over. The person who committed the assaults on the victims did not even get a life sentence. In all likelihood, Dan will die under Maine's new form of the death penalty known as Death by Incarceration. Dan is now in his early thirties, he earned a Bachelor's Degree while incarcerated and now working toward a PhD. Dan may never receive the opportunity to see and experience the outside world ever again. Passing LD 1335 will improve Maine's criminal justice system by eliminating the death by incarceration approach to life imprisonment.

Death by Incarceration has become Maine's lifeline back to the death penalty. Maine permanently abolished the death penalty in 1887. After 89-years without the death penalty, in

1976, Maine legislature abolished parole and adopted life sentences, despite the state's low murder rate in the 1970s that was estimated at 9.8 murders per 100, 000, according to the FBI Crime Report. The 107th legislature did not take into consideration that adopting life sentences infringed upon Article I, Section 9 of the Maine Constitution, "nor cruel nor unusual punishment inflicted." Life imprisonment is a slow and tortuous death that deteriorates the mental capacity; causing severe psychological and sociological damage to the individual. As stated, Maine's Constitution prohibits any forms of cruelty and any forms of unusual punishment, and death by incarceration caused by life imprisonment is as cruel as it gets. Passing LD 1335 will provide prosecutors and judges with an effective sentencing guideline to uphold the Eight Amendment of Maine's Constitution.

Wherefore, LD 1335 should pass to eliminate life imprisonment that leads to death by incarceration, a form of cruel and unusual punishment that is prohibited by Eight Amendment of Maine's Constitution.

Respectfully submitted,

NAACP Prison Branch

Recommendations for Considerations

- **Abolish life imprisonment**, except for unusual circumstances.
- **Cap imprisonment at 25 years for murder** for crimes committed by adults, except for unusual circumstances, and at 10 years for youth and emerging adults.
- **Institute a review process** for sentences over 25 years after serving half of the prison term, a risk assessment, which includes institutional history, age, health, programs, rehabilitation and treatment.
- **End stacked sentences.** Consecutive prison sentences that effectively serve as life terms are as problematic as statutorily defined life sentences.
- **Institute a review of a life sentence** after serving 25 years, a risk assessment, which includes institutional history, age, health, programs, rehabilitation and treatment.