

TESTIMONY OF MEAGAN SWAY, ESQ.

LD 1449 – Ought to Pass

An Act To Amend the Laws Regarding Violations of Conditions of Release

Joint Standing Committee on Judiciary

April 10, 2023

Senator Carney, Representative Moonen, and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Meagan Sway, and I am the policy director at the ACLU of Maine, a statewide organization committed to advancing and preserving civil rights and civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I am here to support LD 1449.

The ACLU of Maine has worked for years to reform our state's pretrial system. A consistent theme in our testimony, and in our public advocacy, has been the myriad harms caused by the money bail system. Even one day behind bars can lead to the loss of jobs, child custody, and a bed in a recovery house. You, and your colleagues and predecessors, have also heard us discuss how criminal records can hinder peoples' future success. This bill addresses some of these concerns, by removing the provision of Maine's law that makes some violations of conditions of release a felony offense instead of the usual misdemeanor.

Maine is one of only seven states where a violation of a condition of pretrial release other than a failure to appear in court is in and of itself a new crime.¹ In other states, if a person violates a bail condition and the district attorney feels the violation was egregious, they can file a motion to revoke bail and address the violation, without adding an additional criminal charge to a person's record. Here, we not only make violations a new crime in and of itself, but some violations are felony crimes. This makes us an extreme outlier compared to other states.

Being convicted of a felony can lead to what we call collateral consequences: sanctions, penalties and regulations that a judge does not include when sentencing someone, but that apply to people convicted of crimes long after they have served their time. This includes the loss of professional licenses, loss of the right to vote in many states, loss of the right to own a firearm in many states, loss of custody, and difficulty in getting and keeping jobs.

We urge you to bring Maine closer in line with 43 other states by voting "ought to pass" on LD 1449.