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TESTIMONY OF MICHAEL KEBEDE, ESQ.

Ought Not to Pass - LD 1796

**An Act to Protect Maine's Transit Employees**

JOINT STANDING COMMITTEE ON  
CRIMINAL JUSTICE & PUBLIC SAFETY

May 2, 2023

Senator Bebee-Center, Representative Salisbury, and distinguished members of the Joint Standing Committee on Criminal Justice & Public Safety, greetings. My name is Michael Kebede, and I am the Policy Counsel 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, we urge you to oppose Section 1 of LD 1796, which proposes to make it a Class C crime to assault a transit employee.

The ACLU of Maine has long opposed unnecessary expansion of our state's criminal code. It has been our position that creating new crimes for behavior that is already illegal does not deter bad behavior but does expand our jail and prison populations. Even with one of the lowest incarceration rates in the country, our state's incarceration rate is still higher than the incarceration rates of Bahrain, Brazil, the United Arab Emirates, Singapore, Israel, Turkey, Portugal and the United Kingdom, among many other countries. Class C crimes carry a possible 5-year prison sentence and \$5000 fine. This bill's new crime would duplicate the already-existing Class D crime of assault, which carries a possible 1-year prison sentence and \$2,000 fine. 17-A MRS §207.

The approach to this problem that Section 2 of this bill takes, public education and better training for transit employees, is more promising than increased criminalization. Our opposition is therefore restricted to Section 1 of this bill. We urge you to either vote *ought not to pass*, or amend this bill to remove Section 1's criminal penalty.