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Testimony of Rep. Tavis Hasenfus introducing

**LD 1535, An Act to Advance Justice in Sentencing by Amending the Laws
Governing the Maine Criminal Justice Sentencing Institute and Increasing Funding
for Meetings of the Institute
Before the Judiciary Committee**

Good afternoon, Senator Carney, Representative Moonen and members of the Judiciary Committee. My name is Tavis Hasenfus, and I represent House District 57, which is the communities of Readfield and Winthrop. I am here before you today in support of **LD 1535, An Act to Advance Justice in Sentencing by Amending the Laws Governing the Maine Criminal Justice Sentencing Institute and Increasing Funding for Meetings of the Institute.**

This bill comes as a recommendation from the Commission to Examine Reestablishing Parole.

During the course of the Commission's work, it was highlighted that the Maine Criminal Justice Sentencing Institute was created in 1976, simultaneously with the newly revised criminal code. However, that institute has not met since at least 2004. The Commission felt that reconvening the sentencing institute was an ideal way to address any needed reforms or alterations to sentencing in both criminal and juvenile proceedings. Funding the already statutorily established program would be a great step forward in assessing our current sentencing practices and allow for judges, attorneys and other experts to gather for an intensive two- or three-day institute to address Maine's criminal justice and sentencing issues.

The most important piece of this bill is the funding allocation so that the state can once again have a functioning sentencing institute, as was envisioned when the current criminal code was adopted.

In addition to a funding allocation, this bill also asks this committee to consider making some minor modifications to the current statute to bring clarity to who should be at the institute, once funded. It goes without saying that judges must be the driving force, with the help of prosecutors and defense attorneys. However, it may be advantageous for the institute to also have representation from victims' rights advocates, restorative justice experts, formerly incarcerated individuals, social workers, substance abuse counselors, etc.

I believe the current bill draft provides a framework for reestablishing the sentencing institute which, if funded, will once again help Maine continue to have an equitable, consistent, fair and well-informed sentencing procedure. The institute would be extremely helpful in reviewing Maine's current sentencing practices to make sure that they are accomplishing goals of the criminal code and finding consistent application across all Maine.

Below is the portion of the recommendations from the Commission to provide baseline funding for the institute, which further explains the requests of this bill. The full report and recommendations can be found here: <https://legislature.maine.gov/doc/9574>

3. Provide baseline funding for the Maine Criminal Justice Sentencing Institute. (Vote 13- 0)

The Maine Criminal Justice Sentencing Institute was created in 1976, alongside the establishment of the Criminal Code.

Under Title 4, Section 454, the purpose of the Maine Criminal Justice Sentencing Institute is "to provide a continuing forum for the regular discussion of the most appropriate methods of sentencing convicted offenders and adjudicated juveniles by judges in the criminal justice system, prosecutors, law enforcement and correctional personnel, representatives of advisory and advocacy groups and such representatives of the defense bar as the Chief Justice of the Supreme Judicial Court may invite."

While the institute met every two to three years from the mid 1970's through the 1990's, it appears that it has not met since 2005, over 15 years ago, due to lack of adequate funding.

As outlined in Section 454, when sufficient funding is provided by the Legislature "the institute shall meet, at the call of the Chief Justice of the Supreme Judicial Court, for a 2-day period to discuss recommendations for changes in the sentencing authority and policies of the State's criminal and juvenile courts, in response to current law enforcement problems and the available alternatives for criminal and juvenile rehabilitation within the State's correctional system."

The commission believes that the Maine Criminal Justice Sentencing Institute is an ideal forum to consider the reforms to criminal sentencing addressed in its findings above. The commission recommends that the Legislature appropriate baseline funding in the biennial budget necessary for the institute to meet every two years and be appropriately staffed. Regular meetings of the institute will be necessary to discuss the multitude of issues addressed over the 5 meetings of this commission, and to ensure that unintended consequences of statutory reforms to the Criminal Code are able to be identified and addressed. Any attempt to address the disparities, discussed in the commissions findings, in the criminal justice system must necessarily consider the relationship to criminal sentencing, and the commission believes that the institute will play an essential role in that those efforts.

The commission further recommends that the Legislature amend the Maine Criminal Justice Sentencing Institute statute to improve the language and syntax of the text for clarity; codify more specifically the institute's processes or procedures, including requirements for public notice, public input. The statute should also be updated to require that the institute provide a biennial report to the Legislature, and to direct the appointment of participants with a broader set of experiences, including those with expertise in sentencing reform and restorative justice.

Thank you for your time and attention. I am happy to answer any questions you have of me.