



HOUSE OF REPRESENTATIVES
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1400
TTY: MAINE RELAY 711

David Sinclair

1392 Washington Street

Bath, ME 04530

Phone: (207) 807-1610

David.Sinclair@legislature.maine.gov

March 7, 2024

Testimony of Representative David Sinclair presenting
**LD 2246, An Act to Establish a Minimum Value Threshold for the Class C Crime of Theft
by a Repeat Offender**
Before the Joint Standing Committee on Criminal Justice and Public Safety

Senator Beebe-Center, Representative Salisbury, and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, good afternoon. My name is David Sinclair, and I am proud to represent House District 50, which is the City of Bath, and I am here to present **LD 2246, An Act to Establish a Minimum Value Threshold for the Class C Crime of Theft by a Repeat Offender**

The bill text, which you've seen, is simple and the bill's intent is even simpler, but before touching those topics I'd like to spend just a moment framing the need for the legislation. As the Committee is aware, a felony conviction is a sentence that continues punishing long after an offender's sentence is served. The 'felon' label has lifelong implications for a Mainer's ability to hunt, freedom of association, eligibility for government assistance programs, and housing and employment opportunities, among other effects. If a Mainer who has been convicted of a felony crime relocates outside of Maine, they also, in the majority of states, lose a large number of civil rights and opportunities for civic engagement, including the right to serve on a jury, eligibility for professional licensure and the most fundamental right of a democracy – the right to vote.

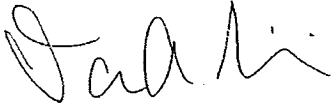
Given the severity and lifelong nature of these effects, it makes sense to reserve the 'felon' label for those who have been convicted of truly serious crime, traditionally crimes such as murder, robbery, burglary, aggravated assault, kidnapping, sexual assault and other crimes that have a significant effect on the community that makes appropriate the significant effects outlined above on the offender. Petty theft, however, is not such a crime and should not be of equal collateral consequence as these more serious violations – not even for a repeat petty theft offender.

Maine's current theft statute allows any third-offense theft to be charged as a felony, even if it's an extremely low-value item. This disproportionality affects low-income individuals and indigent single parents, who are more likely to be convicted of thefts for lower-value items like food, clothing, diapers, etc. - particularly in times of extreme weather events like this winter's severe storms, cold snaps and pressing economic conditions. The proposed legislation would allow a third or subsequent theft charge to be charged as a felony Class C crime (or higher) only

if the value of the stolen goods exceeds \$500, to bring the charging class of the offense more in line with the true scale and effect on the community resulting from petty thefts of a lesser value.

I thank the Committee for its careful consideration of the bill, and am happy to answer any questions the members may have.

Respectfully,

A handwritten signature in black ink, appearing to read "David A. Sinclair". The signature is fluid and cursive, with a prominent initial "D" and a long, sweeping tail.

David A. Sinclair
Representative, House District 50