

“An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine”
Before the Joint Standing Committee on Judiciary
Public Hearing Date: April 10, 2024
Testimony in Support of LD 2290

Senator Carney, Representative Moonen and members of the Joint Standing Committee on Judiciary. My name is Benjamin Smith and I reside in Limerick, Maine. I submit this letter in support of LD 2290.

In our experience so far on this journey towards justice in the case of our daughter there have been many unforeseen and at times seemingly avoidable bumps in the road. That road has also been a lot longer than we could have ever imagined as this process is incredibly slow and chock full of technicalities, delays, and meetings. None of which are easy to explain to an 8 year old child, let alone comprehend as an adult at times.

It's difficult to understand why anyone would be alright with changing forensic interview video being admitted going forward but not making it apply to cases with pending action. For our daughter and other children who have already endured this, it means they will be subjected to being re-traumatized and re-victimized by retelling and reliving the entire trauma in front of strangers and the perpetrator due to a technicality. The fact that we even have to be here right now asking for this defies logic. To me, from my view, this is a slam dunk no-brainer opportunity to correct an oversight in technical language and afford these children and families the same thing that has already been granted to others who have recently or may yet still endure this trauma and this process.

This process is hard enough as it is and this simple fix would make it so much easier and bring some much needed relief to our daughter, our family, and others in the same situation. It will still be a difficult process but fixing this technical issue prevents it from being more difficult than it needs to be for a child who has already gone through enough. It is critical for this emergency legislation to be passed to correct the oversight of not specifically allowing forensic interview videos into cases with pending action. Judges will currently not allow the admission of forensic interview videos in these cases due to this technicality.

It simply does not make sense and is an injustice to fix the issue for children and families going forward as has already been done but at the same time allow it to continue for people already suffering through the process.

For these reasons, I am in support of LD 2290 as emergency legislation.

Thank you,
Benjamin Smith