

# STATE OF MAINE

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## MAINE PROSECUTORS ASSOCIATION SHIRA BURNS, EXECUTIVE DIRECTOR

### “An Act to Establish Mandatory Minimum Sentences for Gross Sexual Assault and Sex Trafficking of Children”

Before the Joint Standing Committee on Judiciary

Public Hearing Date: February 24, 2025  
Testimony in Opposition of LD 332

Senator Carney, Representative Kuhn and members of the Joint Standing Committee on Judiciary. My name is Shira Burns and I represent the Maine Prosecutors Association. I am here to testify in opposition of LD 332. This is the exact same bill that was brought in the 131<sup>st</sup> legislative session that was voted ought not to pass out of this committee.

Maine Prosecutors Association absolutely want to hold sex offenders accountable for their actions. Sex crimes against children are one of the most heinous crimes that can be committed and they leave traumatized children left having to play a role in the criminal legal system.

These crimes happen behind closed doors with very little, if any, witnesses around. The children bear the burden of having to tell graphic details of what happened to them, sometimes by the person that is responsible for their care, to complete strangers. If faced with a trial, the child victim may have to see the person that perpetrated these acts on them. As prosecutors work with these victims, we constantly balance the public safety concerns for Mainers against the ongoing trauma this child victim faces by interacting with the criminal legal system.

Mandatory minimum sentences do not take into account how much a victim wants to participate in the criminal legal system. Many victims want to avoid going through the trial process and ask the prosecutor to offer a plea that would be less than these mandatory minimum sentences. Prosecutors are also dependent on what evidence is available at trial to prove the case beyond a reasonable doubt. This is all taken into consideration when a prosecutor recommends a certain plea agreement.

Mandatory minimum sentences lead to more trials, which might not have favorable outcome for the victim, and different charging decisions being made. Going to trial on some of these cases where there could have been a plea agreement, the State risks losing the victim hearing their abuser take responsibility for their actions, a definite term of imprisonment, supervision when the offender is released from incarceration, and registration on the sex offender registry.

This bill as written specifically weakens sentencing for gross sexual assault against children under 12 years of age as it eliminates the statutory authority to allow a person be sentenced to this crime to any years of imprisonment and the sentencing will now have to default to other Class A crimes that have a maximum of 30 years of imprisonment.

To help hold sex offenders accountable for their actions and provide better victim safety, laws should be drafted to support a child victim through the criminal legal process and provide them services for the trauma they endured. A perfect example of this is the passage of 16 M.R.S. § 358 Recordings of Protected Persons from last legislative session that truly has impacted so many child sexual assault survivors and their interactions with the criminal legal process.

For these reasons, the Maine Prosecutors Association is in opposition of LD 332 and happy to work with anyone in this room on new laws that can create further change for victims of this horrible crime.