

Maine PRISONER ADVOCACY Coalition



Peter M. Lehman, PhD

20 Lawrence Ave.
Thomaston, Maine 04861
(207) 542-1496
Peter@GrowInME.com

Testimony in Opposition to LD 332 to the Committee on Judiciary

February 24, 2025

Senator Carney, Representative Kuhn, and distinguished members of the Committee:

My name is Peter Lehman and I live in Thomaston. I am a formerly incarcerated citizen and a person in long-term recovery.* I am testifying against LD 332 on behalf of the Maine Prisoner Advocacy Coalition whose goal is to promote restorative practices in order to increase public safety and the health of our community.

With the best of intentions, LD 332 clearly intends to protect children. Unfortunately, it will not.

Widespread evidence shows that mandatory minimum sentences produce substantial harm with no overall benefit to crime control. They constrain judicial discretion, deepen racial disparities in the criminal legal system, and cause far-reaching harm to individuals, families, and communities.¹

Mandatory minimums do not reduce crime or increase public safety. Deterrence assumes that crime behavior is instrumental and calculated while sexual crimes are generally expressive or emotional. Further, deterrence assumes that people know the penalties. In reality, people are generally not aware of mandatory penalties when they commit a crime.

¹ <https://www.sentencingproject.org/fact-sheet/how-mandatory-minimums-perpetuate-mass-incarceration-and-what-to-do-about-it>. See also, The Case Against Mandatory Minimums: <https://famm.org/wp-content/uploads/2021/04/The-Case-against-Mandatory-Minimum-Sentences.pdf>

* In the interest of honesty and disclosure, a personal background statement is available on request.

Therefore, increasing the penalty or severity of a punishment is ineffective at deterring people from engaging in criminal activity.²

Moreover, one particular focus of this proposed law, Gross Sexual Assault, is almost always an offense within families. This makes it VERY difficult to ascertain outcomes in the best interests of the child—having a mother or daddy or uncle or aunt in prison for their entire childhood imposes a serious hardship that calls for a judge to exercise very careful and thoughtful discretion. This bill would take that away.

To make it more complicated, mandatory minimums effectively vest prosecutors with powerful sentencing discretion. Rather than eliminate discretion in sentencing, mandatory minimums move this power from judges to prosecutors. This has been shown to increase racial and ethnic disparities.

Finally, the threat of mandatory minimums encourages defendants to plead to a different crime to avoid a stiff, mandatory sentence. It also makes it less likely that victims will report the crime, thus further defeating the purpose of this bill.

We urge you to unanimously vote Ought Not to Pass.

Thank you for your attention and I will be glad to try to answer your questions.

² The National Institute of Justice has made clear that it is the certainty of being caught, not the severity of the punishment, that deters crime.
<https://www.ncjrs.gov/pdffiles1/nij/247350.pdf>. This bill would also entail a large cost, for no gain. At a minimum cost of \$80,000 a year to incarcerate an offender, the fiscal note should be \$2,000,000 **per person sentenced**. That could pay for a lot of counseling and therapy for the family.