

STATE OF MAINE

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MAINE PROSECUTORS ASSOCIATION
SHIRA BURNS, EXECUTIVE DIRECTOR

“An Act to Remove the Limit on the Length of Probation That May Be Served
for Aggravated Attempted Murder”
Before the Joint Standing Committee on Criminal Justice and Public Safety
Public Hearing Date: March 31, 2025
Testimony in SUPPORT of LD 1074

Senator Beebe-Center, Representative Hasenfus and members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Shira Burns and I represent the Maine Prosecutors Association. I am testifying today in support of LD 1074.

Most Class A crimes have a maximum of 30 years of imprisonment.¹ There are only three types of crime, other than murder, where a defendant is eligible for imprisonment for a definite period of any term of years.² This includes if the State pleads and proves that the defendant is a repeat sexual assault offender, if the victim of a Class A gross sexual assault has not attained 12 years of age at the time of the assault, or if the defendant is convicted of aggravated attempted murder.

If the person is sentenced as a repeat sexual assault offender and eligible for any years of imprisonment, they are also eligible for any years of probation.³ If a person is convicted of gross sexual assault on a victim under 12 years of age and eligible for any years of imprisonment, they are also eligible for any years of supervised release.⁴ However, even though aggravated attempted murder is eligible for a sentence of any years of imprisonment, the current law only allows for up to 4 years of probation.

Allowing for any years of probation on an aggravated attempted murder conviction will allow all parties – prosecution, defense, and the Court – the flexibility to argue and order an appropriate sentence on an aggravated attempted murder conviction. The limitation of the maximum 4 years of probation will usually lead to a longer sentence of incarceration because of the limitation to be supervised in the community, including the limitation of a no contact order with the victim for more than 4 years.

This will not have a large impact on the cases that go through the criminal justice system. According to the Maine Judicial Branch, there have only been 19 convicted counts of aggravated attempted murder since January 1, 2014 and of those 19, one case had 10 of those convictions. Only

¹ 17-A M.R.S. § 1604(1).

² 17-A M.R.S. § 1604(2).

³ 17-A M.R.S. § 1803(4).

⁴ 17-A M.R.S. § 1881(1).

one of those cases received a life sentence, meaning most of these people are going to be released back into the community. For the defendants released back in the community, the availability of a longer term of probation than 4 years will have a meaningful impact to those victims. This truly would be a positive change for everyone.

For these reasons, the Maine Prosecutors Association is in support of LD 1074.

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