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Testimony in Opposition to LD 1113, *An Act Regarding Fairness in Sentencing for Persons Under 26 years of age*

Senate Chair Carney, House Chair Kuhn, members of the Joint Standing Committee on Judiciary, my name is Lisa Marchese, I serve as a Deputy Attorney General and Chief of the Criminal Division for the Maine Office of the Attorney General. I am here on behalf of the Attorney General's Office to testify in opposition to LD 1113, *An Act Regarding Fairness in Sentencing for Persons Under 26 years of age.*

As you are no doubt aware, the Criminal Division of the Attorney General's Office is responsible for the prosecution of murder cases in the State of Maine. A person convicted of the crime of murder faces a potential sentence of 25 years to life. As you all know, persons of all age commit the crimes of murder and manslaughter. When someone is convicted of the crime of murder or manslaughter, the law requires that the sentencing court engage in what is known as the Hewey analysis – later codified into law. It is a 3-step process to arrive at a sentence that is fair to all including the defendant and the victims. It includes careful consideration of the objective facts of the case in addition to consideration of the aggravating and mitigating circumstances of the defendant. One significant consideration for a Court in imposing a sentence is the age (youth) of the defendant. In addition to the Hewey analysis, a Court is required to consider the general purposes of sentencing which is set forth in the Criminal code. The Court is also required to minimize correctional experiences upon sentencing. Current sentencing practices address the youthful offender.

When a person is sentenced for a serious crime such as murder or manslaughter or other assaultive behavior, there are victims and victims' families that rely on the sentence as set forth by the Court to begin healing and plan their future accordingly. If a 24-year-old defendant commits a double murder and is sentenced to a 50 year sentence, under the proposed law, that person is eligible for supervised community confinement after 15 years which means the person could be living and working in the community under supervised community confinement despite a careful consideration by a Judge of the proper sentence and a representation to a victim's family of the appropriate sentence to be imposed. This proposed bill renders the sentencing process virtually meaningless.

Eligibility requirements for Supervised Community Confinement are set forth in statute and are subject to rules adopted by the Commissioner, however the proposed bill adds paragraph E which states that "notwithstanding paragraphs A to D" of the SCCP statute, people may be

placed on SCCP after serving 15 years of their sentence. This would appear to allow all inmates who committed crimes under the age of 26 and after serving 15 years of a sentence, on supervised community confinement regardless of the nature of the crime, the length of their sentence, or their level of classification within the institution. It does not appear that there is any consideration in this proposed legislation for dangerous individuals who would not otherwise qualify for the SCCP. Additionally, this treats people who commit crimes at the age of 25 vastly different than individuals who commit crimes at the age of 27.

As currently set forth in the law, Supervised Community Confinement generates significant uncertainty for prosecutors, victim advocates and most importantly victims of crime.

I would ask that you vote ONTP LD 1113.

I am happy to answer any questions.