



AMERICAN CIVIL LIBERTIES UNION

Maine

TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 1113 – Ought to Pass as Amended

**An Act Regarding Fairness in Sentencing for
Persons Under 26 Years of Age**

Joint Standing Committee on Judiciary

March 31, 2025

PO Box 7860
Portland, ME 04112

(207) 774-5444
ACLUMaine.org
@ACLUMaine

Senator Carney, Representative Kuhn, and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Michael Kebede, and I am the policy director for the ACLU of Maine, a statewide organization committed to advancing and preserving civil rights and civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge you to support LD 1113.

Current law requires Maine judges to sentence any person convicted of murder, regardless of the defendant's age, to life in prison or to a prison term of at least 25 years.¹ Maine law also allows children to be tried as adults if they committed a serious crime.² In some of those cases, the defendants can face a prison sentence of up to 30 years.³

Decades of research and U.S. Supreme Court precedent support the idea that young people accused of crimes are patently different from adults due to their brain development.⁴ The sponsor's amendment to LD 1113 would end the possibility of life without parole for people who were younger than 26 when the conduct underlying their criminal charges was allegedly committed. It would also make people eligible for the Supervised Community Confinement Program (SCCP) if they were sentenced to prison terms longer than 15 years for conduct they committed when they were younger than 26 and they have served at least 15 years of their sentence.

As of 2022, there were between 90 and 117 "individuals serving life or virtual life sentences in Maine."⁵ Of these people, some might have been

¹ 17-A MRS §1603(1).

² 15 MRS §3101(4).

³ 17-A MRS §1604 ("Imprisonment for crimes other than murder")

⁴ See *Roper v. Simmons*, 543 U.S. 551, 569 (2005) (holding that executing juveniles for crimes committed under the age of 18 is unconstitutional); *Graham v. Florida*, 560 U.S. 48 (2010) (holding that sentencing a juvenile to life without parole is unconstitutional); *J.D.B. v. North Carolina*, 564 U.S. 261 (2011) (holding that a child's age must be considered in a custodial analysis for *Miranda* warnings). These examples discuss adolescent brain development as a key reason for holding these sentences as unconstitutional and requiring a different analysis.

⁵ Catherine Besteman & Leo Hylton, *The Case for Second Chances: A Pathway to Decarceration in Maine*, 76 Me. L. Rev. 65, 71 n. 36 (2024), available at <https://digitalcommons.maine.edu/mlr/vol76/iss1/4>.



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sentenced for conduct that occurred when they were younger than 26. This bill would provide an immediate benefit to people sitting in prison for conduct they committed when their minds were still developing.

Both of LD 1113's changes are rooted in the best research about human development and recidivism. Recent advances in neuroscience and psychology have shown that youth are different from adults in important ways, including decision-making, impulsivity, and response to peer pressure. This same research reveals that youth possess a unique ability for reform and rehabilitation. The legislature has recognized this in its criminal code and established fundamentally different approaches to youth and adults.⁶

We urge you to vote *ought to pass*.

⁶ For example, Maine law allows for the sealing of more youth criminal records than adult records. *Compare* 15 M.R.S. §3010 *et seq.* with 15 M.R.S. §§221-2269.