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Judicial Branch testimony in opposition to LD 1572, An Act Regarding Prosecution Standards for Nonfatal Strangulation or Suffocation in Domestic Violence Cases:

Senator Carney, Representative Kuhn, members of the Joint Standing Committee on Judiciary, my name is Julie Finn and I represent the Judicial Branch. I would like to present testimony against LD 1572.

Aside from the state and federal constitutional and practical concerns that will surely be addressed by others, we will limit our comments to specific portions of the bill that are confusing and vague.

In section 3, adding 17-A M.R.S. § 20(4), the bill states that a defendant in a domestic violence strangulation or suffocation case with a prior domestic violence conviction “may not be offered or enter into a plea agreement or other similar procedure that restricts court process.” This provision is vague and should be clarified or stricken.

New section 20(5) requires all judges and justices to complete “certified training on nonfatal strangulation or suffocation prevention” every two years. While prevention is a laudable goal, it is not the role of a judge to engage in crime prevention. Criminal cases are filed in court by prosecutors, which is necessarily after the crime has been committed. Moreover, the Judicial Branch would need to assess the cost for such training.

Thank you for time and consideration.