

STATE OF MAINE

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MAINE PROSECUTORS ASSOCIATION SHIRA BURNS, EXECUTIVE DIRECTOR

“An Act to Implement the Recommendation of the Maine Commission on Public Defense Services
to Eliminate the Crime of Violation of Conditions of Release”
Before the Joint Standing Committee on Criminal Justice and Public Safety
Public Hearing Date: May 5, 2025
Testimony in OPPOSITION of LD 1817

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 here to testify in opposition of LD 1817.

In this committee, we have already discussed the elimination of the Class E crime of Violation of Conditions of Release (VCR) through LD 179. As you may remember, the Maine Prosecutors Association is adamantly against that bill. This bill today does the same thing but also eliminates the Class C crime of VCR. My testimony today is exclusively focusing on the Class C crime of VCR since you have already heard our testimony and opposition to the rest of the bill as a part of LD 179.

Enacting this legislation directly attacks the heart of holding domestic violence offenders accountable and providing victim safety through the criminal justice system. Currently, you can only be charged with a Class C Violation of Condition of Release (VCR) if you are on bail for a felony-level crime and you violate one of the following conditions:

1. Avoid all contact with a victim of the alleged crime, a potential witness regarding the alleged crime or with any other family or household members of the victim or the defendant or to contact those individuals only at certain times or under certain conditions; and
2. Refrain from possessing a firearm or other dangerous weapon.

The most common reason a person is charged with Class C Violation of Conditions of Release is because a domestic violence offender contacts his victim after specifically being told by a judicial officer not to do so and that it would be a Class C crime if he does contact his victim. This contact contributes to the ongoing power and control an offender exhibits over his victim. Also, about half of our homicides each year are domestic violence related and most of them are committed with a firearm. An abusive partner's access to a firearm is a serious threat to victims of domestic violence, making it five times more likely that a woman will be killed.¹

¹J.C. Campbell, et al., “Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study,” *American Journal of Public Health* 93, no.7 (2003): 1089-1097.

Our current statute allows a domestic violence crime be elevated to a Class C offense if the offender has previously been convicted in the last ten years for a domestic violence crime, violation of protection from abuse order, or for a Class C violation of condition of release for specially contacting the victim or for possession a dangerous weapon or firearm when the victim of the crime was a family or household member. This bill will eliminate a prosecutor's ongoing ability to elevate a domestic violence crime based on an applicable Class C VCR with the elimination of the crime. This would be inconsistent with having a violation of protection from abuse order as a basis to enhance the crime since they would be based on similar, if not the same, conduct by the offender.

For all these reasons, the Maine Prosecutors Association is in opposition of LD 1817.

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