

TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 710 – Ought to Pass as Amended

An Act Regarding the Maine Criminal Code

Joint Standing Committee on
Criminal Justice and Public Safety

March 22, 2021

Senator Deschambault, Representative Warren and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Michael Kebede, and I am policy counsel for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge the committee to reject Section A-3 of LD 710.

Part A of this bill resorts to a failed method for solving problems. If enacted, this section would create a new Class C crime. This class of crime is punishable by up to 5 years' incarceration and a \$5,000 fine. The intended goal is noble: to achieve justice for children. But the effect would be disastrous: to further increase our burgeoning prison population, especially the population of incarcerated women. According to the Vera institute, the number of women in Maine's *jails* has increased more than 64-fold in the last fifty years, from 4 in 1970 to 258 in 2015.¹ The number of women in Maine's *prisons* has increased more than 15-fold in the last forty years, from 10 in 1978 to 152 in 2017.² Filling our jails and prisons is no way to solve the problem this law intends to solve.

The ACLU of Maine cares deeply about the safety and well-being of children, which is why we testify in various legislative committees to support people

¹ State Incarceration Trends: Maine, *Vera Institute*, at 2, available at <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-maine.pdf>

² *Id.*

experiencing poverty. Our Executive Director was a founding member of Kids Legal, an arm of Pine Tree Legal Assistance that works to address the unique needs of low-income children and youth in Maine. If a child is in danger, it is because the parent needs support. We urge the committee to look at ways of preventing child abuse and neglect by providing resources and support so that all Maine kids thrive.

Part D of this bill appears to attempt to reword existing law. Although we do not object to this part, we urge the committee to use this opportunity to address our outlier status as a state that criminalizes violations of conditions of release. Maine is one of only a handful of states that criminalize violations of conditions of release other than failing to show up for court.³ It is a due process problem to penalize people for things that are not, in and of themselves, crimes. Moreover, punishing violations of conditions of release wastes court and police resources. We believe the committee will have legislation before it later in the session addressing this.

Thank you for your time and attention.

³ National Conference of State Legislatures, *Pretrial Release Violations & Bail Forfeiture*, June 28, 2018, <https://www.ncsl.org/research/civil-and-criminal-justice/bail-forfeiture-procedures.aspx> (“Only a handful of states—including Alaska, Colorado, Connecticut, Delaware, Illinois, Maine, and Wisconsin—also have a separate crime for conditions violations other than nonappearance.”)