

TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 801 – Ought To Pass

**An Act Regarding Sentencing Options for a Person Convicted of a Crime
Committed While Serving a Term of Imprisonment**

Joint Standing Committee
Criminal Justice and Public Safety

April 5, 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, I am here to urge you to support this bill.

Current law establishes mandatory nonconcurrent sentences when a person is convicted of a crime committed while the person is serving their sentence on another conviction. *See* 17-A MRSA §1609. The bill before you would repeal this section of law. We support this repeal for much the same reason that we oppose mandatory minimum sentences: it would tie judges' hands from ordering a sentence based on all the factors of the individual case. This law also restricts our ability to return people to wider society even if it is determined that incarceration is no longer necessary or appropriate. We should not create such rigid rules that deny discretion to decision-makers on the ground that the legislature – not judges – are in the best position to decide whether a consecutive or concurrent sentence is appropriate in a given situation. Because mandatory concurrent sentences unnecessarily constrain judicial discretion, we urge you to vote that this bill ought to pass.

Thank you for your consideration.

