



# MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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March 29, 2021

Senator Susan Deschambault  
Representative Charlotte Warren  
Committee on Criminal Justice & Public Safety  
100 State House Station Room 436  
Augusta, ME 04330

RE: LD 1070 – An Act to Make Assault on a Person 50 Years of Age or Older With a Pre-Existing Serious Medical Condition a Class C Crime

Dear Senator Deschambault, Representative Warren and Members of the Criminal Justice and Public Safety Committee:

MACDL opposes LD 1070.

As it stands now, under Maine law, a person who commits an assault that causes serious bodily injury commits a Class C felony crime. A person who commits assault that causes non-serious bodily injury is guilty of a misdemeanor crime and can serve up to 364 days in jail.

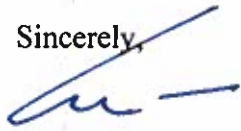
This bill elevates assault to a Class C crime whenever bodily injury is caused to any person over 50 years of age that has a pre-existing serious medical condition. This bill does not link that serious medical condition to the assault at all. A person can have a serious medical condition, completely unrelated to the assault, and yet if a person assaults them they can be convicted of a felony crime here. The assault could even involve an entirely different part of the body and yet qualify as a Class C felony because another part of the victim's body was materially impaired.

As it stands now, a judge has the full and complete discretion to sentence a defendant more seriously for a Class D assault if that assault involves a victim with a serious medical condition, whether that serious medical condition was in any way related to the assault or not. Elevating this crime to a felony crime is also something that this Committee has repeatedly avoided in the past decade as so many crimes were already elevated to felony crimes in previous years, a major backwards step that is only now being fully appreciated and recognized.

This bill should be voted ought not to pass.

Thank you for the opportunity to address this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Walter F. McKee', with a long horizontal stroke extending to the right.

Walter F. McKee  
Chair, Legislative Committee