

TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 1192—Ought Not to Pass

An Act Concerning the Composition of the Criminal Law Advisory Commission

Joint Standing Committee on
Criminal Justice and Public Safety

Senator Deschambault, Representative Warren and members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Michael Kebede, and I am the 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 through advocacy, education, and litigation. On behalf of our members we oppose LD 1192, which would disrupt the balance of the Criminal Law Advisory Commission and its ability to perform its statutory duties.

The Criminal Law Advisory Commission (“CLAC” or “the committee”) is a legal body comprised only of lawyers, and for good reason: state law charges CLAC with such tasks as “examin[ing] the sections of the Revised Statutes outside of the Criminal Code which pertain to the criminal law and to drafts such amendments to those sections as the commission deems advisable...” and “examin[ing] the present laws pertaining to criminal pleadings and to consider possible changes, including, but not limited to, the adoption of code pleading and the preparation of pleading forms...” 17-A M.R.S. §§1354(1)(A), (C). These are not tasks for law enforcement officers such as sheriffs and state police, but for attorneys who practice criminal law.

We agree with this bill’s sponsor that it is critically important that CLAC have the right membership, to ensure that our criminal laws are revised fairly. We also agree that review of the stakeholders who sit on CLAC may be warranted. However, for at least three reasons, we respectfully contend that reserving spots on CLAC for state and local law enforcement is not necessary.

First, the committee is balanced with four prosecutors, four defense attorneys, and one lawyer who works for the Bar of Overseers. Second, prosecutors enforce our state’s criminal laws and work closely with state and local police; the point of view of law enforcement is already well-represented. The Attorney General’s office and District Attorneys’ offices are well-represented, which means that so state and local points of view are well-represented. Third, law enforcement may participate as

consultants, *see* 17-A M.R.S. § 1353(2), and therefore reserving official spaces for police is not necessary to include their point of view in CLAC's decision-making.

This bill would disrupt the balance and membership that is currently serving on the Commission. We urge you to vote *ought not to pass*.