

MEMO

TO: Committee on Criminal Justice and Public Safety

FROM: Criminal Law Advisory Commission (CLAC)

RE: L.D. 134

Date: February 4, 2019

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CLAC does not favor passage of LD 134. The bill would modify the composition of the Criminal Law Advisory Commission to require that two members be law enforcement officers, one from a statewide law enforcement agency and one from a county or municipal law enforcement agency.

First and foremost, CLAC is not a stakeholder group where different perspectives compete to advance policy positions. Instead, the judges, prosecutors and defense lawyers on CLAC, while necessarily bringing different perspectives to the discussion, focus solely providing the best advice possible to the Legislature on matters affecting Maine's criminal justice system. Once CLAC has given its input, it does not "lobby" for adoption of policy positions. Instead, with advice given, CLAC's job is done, and the Legislature decides what to do with the information provided.

Moreover, under Maine statutes, the prosecutors on CLAC are law enforcement officers, and they work with law enforcement agencies on a daily basis. In addition, CLAC regularly reaches out to law enforcement for input on issues where it lacks expertise, and both the chief investigator in the Attorney General's office and counsel for the Maine State Police receive notice of our meeting dates and agendas and regularly provide input.

At this time, CLAC is made up of attorneys and judges who are aware of the history and structure of the Criminal Code, the Bail Code, and the Juvenile Code and who focus on maintaining that structure consistent with the guiding principles of these statutes. Much of CLAC's work focuses on legal minutia likely to be of little relevance or interest to non-attorney members.

Finally, CLAC notes that the LD changes the appointment criteria for two members, but does not increase the overall membership. For this reason, CLAC is concerned that the bill would diminish the breadth and depth of CLAC's legal expertise.