

TESTIMONY OF MICHAEL KEBEDE, Esq.

LD 813 – Ought Not To Pass

**An Act To Increase the Protection of Children  
from Domestic Abuse and Violence**

JOINT STANDING COMMITTEE ON  
CRIMINAL JUSTICE AND PUBLIC SAFETY

May 10, 2021

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 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 urge you to reject LD 1408.

Under current law, perpetrating domestic violence assault against “a family or household member” is a Class D crime, which carries a prison sentence of up to one year. 17-A MRS § 207-A (1)(A). This bill would make it a Class C crime to commit the same crime in front of a child younger than 14. There is no evidence that increasing the crime from a Class D to a Class C crime will keep children safer. Imposing tougher punishments for behavior that is already criminalized will only swell failed systems. This approach punishes after the fact but does not prevent the victimization of children or keep them safe. It would also put spouses in a difficult position of knowing if the police are called, their abuser faces a felony punishable up to five years in prison. In order to keep children safe, legislators ought to invest resources into survivors and their children, so that when danger approaches families find safety, on their own terms and without needing to rely on abusive adults to survive.

The most recent eruption of protests across the U.S. and in our own state have laid bare what many have long known: we have relied on the policing institutions in our country to solve challenges better suited to our healthcare, housing, and educational systems. Our

underinvestment in social institutions and overinvestment in policing and prisons have hurt white Mainers, but it has hurt nonwhite Mainers, poor Mainers, and Mainers with disabilities have suffered most acutely. Survivors of gender-based violence are among those left behind. We cannot allow this to continue.

Nationwide, organizations and coalitions to end domestic violence agree. In June of last year, a list of groups that included the Maine Coalition to End Domestic Violence and the Maine Coalition Against Sexual Assault signed a letter recognizing that the criminal legal system has failed to solve very real problems. The letter, titled *Moment of Truth*, stated, “We have held up calls for ‘victim safety’ to justify imprisonment and ignored the fact that prisons hold some of the densest per-capita populations of trauma survivors in the world.”<sup>1</sup> That letter draws on the deep wisdom of the most marginalized. It contains solutions well-suited to the problem that this bill seeks to solve. It is a profound work of legal and political prophesy. We urge the bill sponsor, and the members of this committee, to read it carefully, to draw inspiration from it, and to seriously consider doing things differently.

We urge the committee to vote *ought not to pass*.

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<sup>1</sup> *Moment of Truth*, at 1 (June 2020), available at <https://www.endabusewi.org/moment-of-truth/>.