



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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

RE: LD 1408 -- An Act to Increase the Protection of Children from Domestic Abuse and Violence

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

MACDL opposes LD 1408.

Elevating a crime to a felony crime is no small matter. A Class D crime carries with it up to 364 days in jail, and that is a very significant sentence.

This bill proposes to increase the crime of domestic violence assault to a full-blown Class C felony, that carries with it up to 5 years imprisonment.

This Committee has been urged, time and again, not to continue to repeat the mistakes of the past when the Legislature regularly and routinely increased classes of crimes with the end result being the creation of more felons in the State of Maine. The prospect of a domestic violence assault case that was considered by everyone involved to have been on the low end of the scale, automatically being increased up to a Class C felony with a judge being able to sentence someone to 5 years imprisonment, would be unfortunate.

As it stands right now, a judge can sentence a defendant to a more significant Class D sentence if a child who is under 14 is present. That is something that is fully available to judges right now and, in many circumstances, a judge would in fact consider this an aggravating circumstance and sentence a defendant to a lengthier term of imprisonment. Automatically increasing this crime to a Class C felony is just not necessary at all.

Thank you for the opportunity to address this issue.

Sincerely,

/s/ Walter McKee

Walter F. McKee
Chair, Legislative Committee