

CLAC MEMORANDUM/TESTIMONY
Supporting LD 1604

TO: Senator Susan Deschambault
Representative Charlotte Warren
Joint Standing Committee on Criminal Justice and Public Safety

FR: Criminal Law Advisory Commission (CLAC)
c/o laura.yustak@maine.gov

RE: L.D. 1604, An Act To Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System

DA: February 10, 2022

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony in support of LD 1604.

CLAC heard a presentation at the January 28, 2022 meeting from a District Attorney and CLAC member who has been working on LD 1604 with the sponsor and state agencies with primary jurisdiction over the violations affected by this legislation. The version of LD 1604 reviewed by CLAC reclassifies certain misdemeanor-level crimes in Titles 12 and 29-A as civil violations. A civil violation is not punishable by incarceration. CLAC understands that technical drafting revisions and discussions with the affected agencies have continued and that the language reviewed by CLAC does not represent the final draft.

CLAC members support the goals of this legislation, which we understand to be to reduce the collateral consequences associated with criminal conviction, if the low-level illegal conduct can appropriately be regulated by civil violation; and to increase efficiency of the court and criminal justice systems that process these offenses. However, the final version was not available for review at the time of our meeting, we offer no comment and take no position on the specific drafting of the bill.

If the Legislature chooses to go forward with any changes related to reclassification of offenses, CLAC recommends a delayed effective date to allow the Court sufficient time to develop the forms, processes, computer programming, and revisions to court rules necessary to implement these changes.

CLAC members apologize that the membership is not available for live testimony on this matter, but will offer any support we are able in order to assist with drafting or at the Work Session.

*CLAC is an advisory body established by the Legislature. 17-A M.R.S. §§ 1351-1357. It consists of 9 members appointed by the Attorney General. Our current members include defense attorneys, prosecutors, and Assistant Bar Counsel. In addition, three sitting judges and one retired practitioner, appointed by the Chief Justice of the Supreme Judicial Court, and, by statute, the Co-Chairs of the Legislature's Committee on Criminal Justice and Public Safety, serve as consultants.

The Supreme Judicial Court's Criminal Process Manager serves as liaison from the Court to CLAC. CLAC advises the Legislature on matters relating to crimes in the Criminal Code and in other Titles, the Bail and Juvenile Codes, and with respect to other statutes related to criminal justice processes.