

TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 1552 – Ought To Pass As Amended

**An Act Concerning Violations of Conditions of
Release under the Maine Bail Code**

Joint Standing Committee on Criminal Justice and Public Safety

February 18, 2022

Senator Deschambault, Representative Warren and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Michael Kebede, and I am Policy Counsel of 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. On behalf of our members, I submit this testimony in favor of LD 1552 as amended.

The ACLU of Maine has been working for years to reform our state's pretrial justice system. We have seen how even one day behind bars lead to the loss of jobs, child custody, and a bed in a recovery house. We have also worked to address the collateral consequences of convictions in the form of criminal records. These records can hinder people's future success. This bill addresses some of our concerns about both of these things by addressing Maine's practice of creating a separate crime for violations of conditions of release.

Maine is one of only seven states where violations of pretrial release other than the failure to appear in court are considered an entirely new crime.¹ In other states, if a person violates a bail condition and the district attorney feels the violation was egregious, they can file a motion to revoke bail and address the violation, without adding an extra criminal charge to a person's record. That would be the way prosecutors here would address bail violations should this bill become law. 43 other states are able to address violations of conditions of release without charging people with new crimes; Maine can surely do this too.

Both violent and property crimes have dropped over the past ten years in Maine: property crimes have dropped 44 percent and violent crime has dropped 3

¹ See National Conference of State Legislatures, *Pretrial Release Violations & Bail Forfeiture Criminal Offenses*, available at <https://www.ncsl.org/research/civil-and-criminal-justice/bail-forfeiture-procedures.aspx>.

percent.² Yet arrests in our state have only dropped by 17 percent.³ Violations of conditions of release account for more than one-fifth of the arrests in our state every year.⁴ Approximately two-thirds of people in Maine's jails are there pretrial. We must lower the number of arrests made every year, so that we are not unnecessarily arresting or jailing people who can be held accountable in ways other than jail time. LD 1552, as amended, proposes a good approach to this issue, and we urge you to support it.

² See Council of State Governments, Justice Reinvestment in Maine Second Presentation, at 8, available at <https://csgjusticecenter.org/wp-content/uploads/2020/10/JR-in-Maine-second-presentation1.pdf>.

³ *Id.* at 14.

⁴ *Id.* at 18.