

TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 115 – Ought Not To Pass

**An Act to Protect Minors from Exploitation by Adults
for Violation of Privacy**

Joint Standing Committee on Criminal Justice and Public Safety

March 6, 2023

Senator Beebe-Center, Representative Salisbury 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 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. On behalf of our members, I urge you to oppose LD 115, legislation that creates a new, redundant criminal offense.

This bill creates a new criminal offense that would apply when one person violates another's privacy and the person subjected to the violation is under sixteen years old, with certain exceptions if the violator is less than five years older than other person. That new offense is also, per this bill, subject to the Sex Offender Registration and Notification Act.

This bill increases criminal penalties for behavior that is already criminalized. The behavior described in this bill is already criminalized in the rest of Maine's violation of privacy statute (17-A M.R.S. § 511). Similar behavior, when enacted against a child under the age of 12, is also already subject to more severe penalties in Maine's "visual sexual aggression against [a] child" statute. 17-A M.R.S. § 256(1)(C), (D).

All children deserve to be safe and free from sexual victimization. Harsher punishment for already criminalized behavior does not deter abhorrent behavior and instead swells the ranks of failed systems. This is especially true when the punishment includes placement on the sex offender registry. There is no evidence that sex offender registries work to protect children (or adults) from sexual victimization. Research shows that most sex crimes against children are committed by family, acquaintances, or others known to the child.¹ Compelled registration does not actually prevent victimization of children, and makes it harder for people to

¹ Howard N. Snyder, *Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics* (Bureau of Justice Statistics, NCJ 182990, 2000).

reintegrate into the community safely. As with other criminal punishment, it is also likely to disproportionately harm people of color. A 2018 study found that Black people are more likely to be compelled to register, even though there is no evidence showing they are more likely to commit the predicate offenses.² This bill would, therefore, create new harms and impose a penalty that does not achieve its end goal.

We urge you to vote *ought not to pass*.

² Alissa R. Ackerman & Meghan Sacks, *Disproportionate Minority Presence on U.S. Sex Offender Registries*, Justice Policy Journal, <https://narsol.org/wp-content/uploads/2020/06/Disproportionate-Minority-Presence-on-U.S.-Sex-Offender-Registries.pdf> (2018).