



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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Senator Anne Beebe-Center, Chair
Representative Suzanne Salisbury
Committee on Criminal Justice & Public Safety
100 State House Station Room 436
Augusta, ME 04330

RE: LD 115 -- An Act to Protect Minors from Exploitation by Adults for
Violation of Privacy

Dear Senator Beebe-Center, Representative Salisbury, and Members of the Criminal
Justice and Public Safety Committee:

MACDL opposes LD 115.

There is no need for a new felony crime of violation of privacy. As with many bills that MACDL will testify on this session, the increase of a crime from a misdemeanor to a felony is a very serious matter. Only in situations where a judge has indicated that 364 days in jail is not enough for a particular crime should this Committee even consider elevating a crime from a misdemeanor to a felony. While violation of privacy is a serious crime, and that much more so when it involves victims who are 14 or 15 years of age, the law already fully and completely addresses this issue by making the particular conduct a crime for which there are already serious punishments. Making someone a felon, and one that would actually have to register on the Sex Offender Registry no less, is unnecessary.

Additionally, sex offender registration for someone who engages in violation of privacy is improper. There is nothing to suggest that violation of this particular crime means that someone is so dangerous that they need to be put on a registry. Indeed, the research about the recidivism of sex offenders, the very research that the registry system is founded upon, has long since been reconsidered, and the prevailing wisdom now is that the rate of recidivism of 95% of sex offenders is no greater than for any other crime. Put another way, only 5% of sex offenders -sexually fixated pedophiles - have a high risk of re-offense, whereas all of the others have no greater likelihood of re-offense as car burglars or trespassers.

Sex offender registration for the new Paragraph E here also would result in persons being convicted of this crime and yet there being no sex aspect to it whatsoever. Simply looking at all of the other provisions of the crime of violation of privacy will

show that they do not necessarily involve any sexual behavior at all and can include simple recording of otherwise nonsexual, nonintimate behavior. Absent there being a particular sexual component, the conviction for this crime should never require one to register as a sex offender.

Thank you for the opportunity to address this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walter F. McKee", enclosed in a thin black rectangular border.

Walter F. McKee
Chair, Legislative Committee