

STATE OF MAINE

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MAINE PROSECUTORS ASSOCIATION **SHIRA BURNS, EXECUTIVE DIRECTOR**

LD 178

“An Act to Support Reentry and Reintegration into the Community”

Before the Joint Standing Committee on Criminal Justice and Public Safety

Public Hearing Date: March 13, 2023
Testimony in Opposition of LD 178

Senator Beebe-Center, Representative Salisbury and members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Shira Burns and I represent the Maine Prosecutors Association. I am here to testify in opposition of LD 178.

The bill as drafted is not workable when applying to our existing laws and trying to integrate this new language. The drafting errors go beyond merely technical issues and affect basic structure.

The language states that this new statute would operate concurrently with Supervised Community Confinement Program that currently exists in our statute for early release of offenders. However, in trying to apply this practically, there is no logistical result that could be interpreted without asking a dozen or more follow up questions that are not answered within this language.

The language gives an offender the right to request a parole hearing, but no administrative procedure to rule out applications for lack of basic eligibility, like timeframes not being met, without a hearing.

The proposed process to appeal a denial of parole allows an appeal period of 90 days directly to the law court. This would be a great departure from all other processes in existing law regarding time for appeal and appeals directly to the law court. There is also no guidance on who would be representing the State before the Board and on appeals to the law court.

Violations of parole need to better align with our current statutory scheme regarding violations of conditions of release, violations of probation, and our general sentencing purposes.

Membership of the board needs to include some aspect of victim or victimology expertise, specifically in the realm of domestic violence, sexual assault, child sexual abuse and exploitation, elder abuse, general financial fraud and exploitation and knowledge about specific risks associated with those crimes. However, all board members need mandatory ongoing training regarding domestic violence, sexual assault, and child abuse and sexual exploitation, something recently enacted for all judges in our state.

This proposal needs to be looked at through the lens of all victims who have different experiences, thoughts, and on-going needs. Once an offender has been found guilty of their crime, victim safety should be priority in any proposal. Victim safety looks a lot different for each individual. Any proposal needs to include victim rights, including notification of hearing, right to participate, and notification of outcome in the statute. Violations leading to the revocation may directly involve the victim in the underlying case, no contact orders are frequently violated in domestic violence cases.

Lastly, making this retrospective creates a truth in sentencing issue for many victims that already have distrust in the criminal justice system.

We urge this committee to first decide what specific goals are trying to be accomplished, look at the Supervised Community Confinement Program that is available in Maine and see if the program as it exists, or any modification and/or expansion, will meet those goals. This would be the most efficient, cost effective, and least likely way to cause unintentional collateral consequences.

For those reasons, the Maine Prosecutors Association opposed LD 178.

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