

CLAC MEMORANDUM/TESTIMONY
LD 178 (NFNA)

TO: Senator Anne Beebe-Center
Representative Suzanne Salisbury
Joint Standing Committee on Criminal Justice and Public Safety

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

RE: LD 178, An Act to Support Reentry and Reintegration into the Community

DA: March 13, 2023

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony neither for nor against LD 178 (Concept Draft).

CLAC considered LD 178 at its March 3, 2023 meeting, given the bill's recently scheduled March 13 hearing date. However, the text of the LD was not available to CLAC as of March 3. Accordingly, CLAC cannot provide feedback regarding the specifics of a parole program, which we understand to be the intent of the bill. CLAC welcomes the opportunity to review the bill's language, should that be requested.

CLAC notes that the existing program of Supervised Community Confinement currently offers opportunities for early release into the community during a DOC resident's court-imposed period of incarceration. 34-A M.R.S. § 3036-A. This program was recently expanded by the Legislature, P.L. 2021, c. 376, and information received from DOC Commissioner Liberty indicates that DOC has capacity within this existing program for eligible residents. Jails also offer community confinement programs administered by the Sheriffs. 30-A M.R.S. § 1659-A. Any proposal for parole should be reviewed in light of the purposes of sentencing, 17-A M.R.S. § 1501; Victims' Rights, 17-A M.R.S., Chapter 75; and these existing programs, the populations they currently serve, whether the needs of current residents are being met by the existing programs, and the resources required to adapt or change these programs.

*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 current defense attorneys, prosecutors, Maine Bar Counsel, and a retired practitioner with experience as defense counsel, prosecutor and in court administration. 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.