

TESTIMONY OF MICHAEL KEBEDE, ESQ.

Ought Not to Pass

**LD 22, An Act to Impede the Transfer of Firearms to Prohibited Persons**

**LD 168, An Act Regarding Criminal Background Checks for the Sale,  
Transfer or Exchange of Firearms**

**LD 582, An Act to Enhance Certain Penalties  
for Possession of Firearms by Prohibited Persons**

JOINT STANDING COMMITTEE ON  
CRIMINAL JUSTICE & PUBLIC SAFETY

April 3, 2023

Senator Beebe-Center, Representative Salisbury, and distinguished members of the Joint Standing Committee on Criminal Justice & Public Safety, good morning. My name is Michael Kebede, and I am the Policy Counsel at the ACLU of Maine, a statewide organization committed to advancing and preserving civil rights and civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, oppose LDs 22, 168 and 582 insofar as they would create over half-a-dozen new Class D, C, and B crimes, strengthening a failed method of problem-solving. If these bills were amended to remove criminal penalties as the enforcement mechanism, we would remove our opposition.

The right to own and use guns is not absolute nor free from government regulation. Firearms are inherently dangerous instrumentalities and their use, unlike other activities protected by the Bill of Rights, can and does inflict serious bodily injury or death. Therefore, firearms are subject to reasonable regulation in the interests of public safety, crime prevention, maintaining the peace, environmental protection, and public health. We recognize that gun violence is increasing, reaching levels not seen in the past twenty years.<sup>1</sup> Black people and young people age 18 to 24 are the most frequent victims of gun violence.<sup>2</sup> And, we recognize that this committee is tasked with creating public policy that promotes public safety in our state. We ask

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<sup>1</sup> See Ed Pilkington, *Gun deaths in US rise to highest level in 20 years, data shows*, THE GUARDIAN, Dec. 13, 2018, available at <https://www.theguardian.com/us-news/2018/dec/13/us-gun-deaths-levels-cdc2017>

<sup>2</sup> *Firearm Violence, 1993-2011*, Bureau of Justice Statistics, available at <https://bjs.ojp.gov/press-release/firearm-violence-1993-2011>.

that as you deliberate over these bills other bills like them, that you look for solutions that do the most good while preventing the most harm, and consider in your weighing process whether creating new crimes is the best way to change behavior.

Every three seconds a person is arrested in this country. More than three fourths of Maine's arrests every year are for misdemeanors. Moreover, the system disproportionately arrests people of color as compared to white people, so that while 1.6 percent of Maine's population is Black, Black people make up 5 percent of all arrests and more than 10 percent of those in Maine's prisons.

It does not have to be this way. One bill scheduled for a public hearing this afternoon, LD 60, attempts to curb gun violence without creating a new crime. That bill creates new civil infractions with a \$200 to \$500 fine for the first violation and a \$500 to \$1,000 fine for a subsequent violation. That approach is less harmful than new crimes.

We can shrink our outsized and misused criminal justice system and commit our resources to things that make communities healthier and safer: education, housing, safe communal spaces, and health care. We lock up more people in this country than any country in the history of the world and our incarceration rate in Maine is higher than most NATO member states. A better world begins with making the commitment to stop turning to the criminal justice system to solve society's problems. We urge you to forge a new path by removing the criminal penalties from LDs 22, 168, and 582.

Thank you for your time and attention.