



TESTIMONY OF ALICIA REA, ESQ.
LD 535– Ought Not to Pass

An Act to Authorize Judicial Disposition of a Juvenile Adjudicated of Murder or a Class A Crime to a Term of Commitment Extending Beyond the Juvenile's 21st Birthday

Joint Standing Committee on Judiciary
February 24, 2025

PO Box 7860
Portland, ME 04112

(207) 774-5444
ACLUMaine.org
@ACLUMaine

Senator Carney, Representative Kuhn and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Alicia Rea and I am policy fellow at the ACLU 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 535.

The ACLU of Maine has long advocated for a juvenile justice system that focuses on adolescents' development and provides appropriate rehabilitative options to address young people's behavior.

LD 535 would make the Maine Juvenile Code more focused on punishing children for harming others instead of providing what they need to grow into young adults who contribute to their communities.

It's no secret that children and adults are very different, and this is particularly true when comparing adolescent development and decision-making to adult decision-making. LD 535 rejects this idea, however, despite well-founded research and case law in this area.

In the area of law, children are legally distinct from adults under the U.S. Constitution. The United States Supreme Court established that “[c]hildren are constitutionally different from adults for purposes of sentencing.”¹ The court explained that young people “are less deserving of the most severe punishments” because they “have diminished culpability and greater prospects for reform.”²

The Supreme Court has noted that “developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds—for example, in parts of the brain involved in behavior control.

¹ *Miller v. Alabama*, 567 U.S. 460, 471 (2012) (quoting *Graham*, 560 U.S. at 68 (2010)).

² *Id.* at 471 (quotations omitted).



[It] reasoned that those findings—of transient rashness, proclivity for risk, and inability to assess consequences—both lessened a child’s moral culpability and enhanced the prospect that, as the years go by and neurological development occurs, his deficiencies will be reformed.”³

Beyond the need to treat juveniles as children, based on both science and law, there already exists a process in Maine law to address murder and Class A, B, and C crimes.

In our current system, a young person who is accused of the most serious crimes may be tried as an adult.⁴ A prosecutor may ask the judge for what lawyers refer to as a “bind-over” hearing, in which the state presents evidence of factors that weigh in favor of trying the child as an adult and the defense is afforded the opportunity to rebut this evidence.⁵ After a bind-over hearing, if the judge finds that the factors weigh in favor, the young person is “bound over” to adult court, where they are tried as an adult.⁶

LD 535 does not revise this current procedure, leaving judges to commit juveniles to adult sentences without the opportunity for appeal, as is provided in the bind-over procedure. We all deserve to live in safe and healthy communities, but this bill will not help Maine’s young people grow into adults who can partake in those safe and healthy communities.

We urge you to reject LD 535.

Thank you for your time and attention.

³ *Id.* at 472 (quotations omitted).

⁴ 15 M.R.S. §3101(4).

⁵ *Id.*

⁶ *Id.*