

TESTIMONY OF MEAGAN SWAY, ESQ.

LD 1326 – Ought Not to Pass

An Act to Increase School Security Through Design and Protocol

JOINT STANDING COMMITTEE ON
EDUCATION & CULTURAL AFFAIRS

April 26, 2023

Senator Rafferty, Representative Brennan, and distinguished members of the Joint Standing Committee on Education & Cultural Affairs, greetings. My name is Meagan Sway, and I am the Policy Director 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, we oppose LD 1326 because it would create a new crime, strengthening a failed method of problem-solving, and make teachers and staff liable for the actions of others.

The goal of LD 1326 is noble: to keep children safe at school. But creating new criminal penalties is not the answer. This bill would, among other things, make it a crime punishable by six months in jail and a \$1000 fine for teachers and other school staff who leave doors unlocked or open, or to admit an unauthorized person into a school. It would also make teachers personally liable if they do leave a door open and a shooter enters the school and injures or kills a person.

We recognize that gun violence is increasing, reaching levels not seen in the past twenty years,¹ most frequently affecting Black people and young people age² 18 to 24. Locking doors may deter or delay armed outsiders from entering buildings, but creating new criminal penalties against teachers and staff will not keep our children safe. 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 compared to white people. The disparity is so extreme that that while 1.6 percent of Maine's population is

¹ 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>

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

Black, Black people make up 5 percent of all arrests and more than 10 percent of people in Maine's prisons. Creating a Class E crime for not locking a door only adds to school staff's stress and is not likely to change behavior.

Creating new crimes and extending the failed tough on crime policies of the last 50 years will not work. We must radically rethink our outsized and misused criminal legal system and commit resources to the things that are proven to 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 a criminal legal system to solve our problems when that system is not equipped to address these issues. We urge you to vote ought not to pass.