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H.P. 650

House of Representatives, March 7, 2023

An Act Regarding Payments to Recipients of Restitution

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative MURPHY of Scarborough.
Cosponsored by Representatives: JAUCH of Topsham, TERRY of Gorham, WARREN of Scarborough.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 15 MRSA §5826, sub-§6**, as amended by PL 2019, c. 97, §6, is further
3 amended to read:

4 **6. Final order of disposition of property; public education campaign.** Following
5 the entry of a verdict of forfeiture of property pursuant to this section or the entry of a guilty
6 plea in open court on the record and following the court's disposition of all petitions for
7 hearing timely filed by 3rd parties, the State has clear title to property that is the subject of
8 the indictment, information or complaint. The final order must provide for the deposit of
9 the property or the proceeds from the disposition of the property, less any outstanding
10 restitution, which must be sent to the office of the attorney for the State who prosecuted the
11 case, then the reasonable expenses of the forfeiture proceedings, seizure, storage,
12 maintenance of custody, advertising and notice, in the General Fund, except that, to the
13 extent that the court finds it reasonable, the court may order forfeiture of as much of the
14 property as is appropriate, less the reasonable expenses of the forfeiture proceedings,
15 seizure, storage, maintenance of custody, advertising and notice, to a municipality, county
16 or state agency that has made a substantial contribution to the investigation or prosecution
17 of a related criminal case or, upon request of the investigating agency or the prosecuting
18 agency, to a law enforcement agency in this State that provides case management and other
19 social services to persons affected by crimes that are subject to forfeiture of property under
20 this chapter.

21 **Sec. 2. 17-A MRSA §1707**, as enacted by PL 2019, c. 113, Pt. A, §2, is amended
22 to read:

23 **§1707. Multiple fines imposed on convicted person; restitution**

24 When multiple fines are imposed on a convicted person at the same time or when a fine
25 is imposed on a convicted person already subject to an unpaid or partly unpaid fine, the
26 fines must be cumulative, unless the court specifies that only the highest single fine must
27 be paid in the case of offenses based on the same conduct or arising out of the same criminal
28 episode or for other good cause stated on the record or in the sentences. If the convicted
29 person has also been ordered to pay restitution, the restitution must be paid in full prior to
30 paying a fine under this section.

31 **Sec. 3. 17-A MRSA §1708, sub-§1**, as enacted by PL 2019, c. 113, Pt. A, §2, is
32 amended to read:

33 **1. Timing of fine payment; restitution.** If a convicted person is sentenced to pay a
34 fine, the court may grant permission for the payment to be made within a specified period
35 of time or in specified installments. If such permission is not included in the sentence, the
36 fine must be paid immediately to the clerk of the court. If the convicted person has also
37 been ordered to pay restitution, the restitution must be paid in full prior to paying a fine
38 under this section.

39 **Sec. 4. 17-A MRSA §1854, sub-§2, ¶C**, as enacted by PL 2019, c. 113, Pt. A, §2,
40 is amended to read:

41 C. To make restitution to each victim of the crime imposed by the court as part of the
42 sentence, which must be paid to the office of the attorney for the State who prosecuted
43 the case;

1 **Sec. 5. 17-A MRSA §2004, sub-§1**, as enacted by PL 2019, c. 113, Pt. A, §2, is
2 amended to read:

3 **1. Victim.** The victim or a dependent of a deceased victim, or an heir, beneficiary or
4 recipient of the victim's estate;

5 **Sec. 6. 17-A MRSA §2006**, as enacted by PL 2019, c. 113, Pt. A, §2, is amended
6 to read:

7 **§2006. Time and method of restitution**

8 When restitution is authorized, and the offender is not committed to the Department of
9 Corrections and does not receive a sentence that includes a period of probation, the time
10 and method of payment or of the performance of the services must be specified by the court
11 and monetary compensation ~~may~~ must be ordered paid to the office of the prosecuting
12 attorney who is prosecuting the case ~~or to the clerk of the court.~~ If the offender is committed
13 to the Department of Corrections or receives a sentence that includes a period of probation,
14 monetary compensation must be paid to the Department of Corrections and the time and
15 method of payment must be determined by the Department of Corrections during the term
16 of commitment or the period of probation unless at the time of sentencing the court has
17 specified the time and method of payment. Once any term of commitment to the
18 Department of Corrections or period of probation is completed and if the restitution ordered
19 has not been paid in full, the offender shall continue to pay restitution to the office of the
20 attorney for the State who prosecuted the case and is subject to the provisions of section
21 2011 and, in the event of a default, the provisions of section 2015. The state agency
22 receiving the restitution shall deposit any money received in the account maintained by the
23 Treasurer of State for deposit of state agency funds, from which funds are daily transferred
24 to an investment account and invested. Interest accrued on that money is the property of
25 and accrues to the State for deposit in the General Fund. The agency receiving the
26 restitution shall make the disbursement to the victim or other authorized claimant as soon
27 as possible after the agency receives the money.

28 **Sec. 7. 17-A MRSA §2011**, as enacted by PL 2019, c. 113, Pt. A, §2, is amended
29 to read:

30 **§2011. Former Department of Corrections' clients owing restitution**

31 An offender is responsible for paying any restitution outstanding at the time the term
32 of commitment to the Department of Corrections or period of probation is completed. An
33 offender who has complied with the time and method of payment of monetary
34 compensation determined by the Department of Corrections during the period of probation
35 shall continue to make payments to the ~~Department of Corrections~~ office of the attorney
36 for the State who prosecuted the case in accordance with that payment schedule unless
37 modified by the court pursuant to section 2014 or 2015. An offender who has not complied
38 with the time and method of payment of monetary compensation determined by the
39 Department of Corrections during the period of probation must be returned to the court for
40 further disposition pursuant to section 2015. An offender who is unconditionally released
41 and discharged from institutional confinement with the Department of Corrections upon
42 the expiration of the sentence must, upon application of the office of the attorney for the
43 State, be returned to the court for specification by the court of the time and method of
44 payment of monetary compensation, which may be ordered paid to the office of the attorney
45 for the State who prosecuted the case ~~or to the clerk of the court.~~ Prior to the offender's

1 release and discharge, the Department of Corrections shall provide the office of the attorney
2 for the State who prosecuted the case written notice as to the amount of restitution
3 outstanding. An income withholding order issued pursuant to section 2007 remains
4 effective and enforceable until the restitution is paid in full, even after an offender is no
5 longer in the custody or under the supervision of the Department of Corrections.

6 **Sec. 8. 17-A MRSA §2015, sub-§7**, as enacted by PL 2019, c. 113, Pt. A, §2, is
7 amended to read:

8 **7. Payments.** Payments made pursuant to this section must be made to the same
9 agency to which the restitution was required to be paid under section 2006 or section 2011,
10 except that if the offender is no longer in the custody or under the supervision of the
11 Department of Corrections the payments must be made to the office of the attorney for the
12 State who prosecuted the case ~~or the clerk of the court, as ordered by the court.~~

13 SUMMARY

14 This bill amends the provisions of the Maine Revised Statutes regarding restitution to
15 clarify that: restitution must be paid to the office of the attorney for the State who
16 prosecuted the case; heirs, beneficiaries and recipients of the victim's estate may receive
17 restitution in certain circumstances; and restitution must be paid in full before any fines are
18 paid.