

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Clarify the Court's Authority To Grant Credit Given for Jail Time toward Payment of Fines

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

Sec. 1. 17-A MRSA §1304, sub-§3, ¶A, as amended by PL 2011, c. 334, §1, is further amended to read:

A. Unless the offender shows by a preponderance of the evidence that the default was not attributable to an intentional or knowing refusal to obey the court's order or to a failure on the offender's part to make a good faith effort to obtain the funds required for the payment, the court shall find that the default was unexcused and may:

(1) Commit the offender to the custody of the sheriff until all or a specified part of the fine is paid. The length of confinement in a county jail for unexcused default must be specified in the court's order ~~and may not exceed one day for every \$100 of unpaid fine or 6 months, whichever is shorter, but may not exceed 6 months.~~ An offender committed for nonpayment of a fine is given credit toward the payment of the fine for each day of confinement that the offender is in custody, at the rate specified in the court's order that is up to \$100 of unpaid fine per day of confinement. The offender is also given credit for each day that the offender is detained as the result of an arrest warrant issued pursuant to this section. An offender is responsible for paying any fine remaining after receiving credit for confinement and detention. A default on the remaining fine is also governed by this section; or

(2) If the unexcused default relates to a fine imposed for a Class D or Class E crime, as authorized by chapter 53, order the offender to perform community service work, as authorized in chapter 54-C, until all or a specified part of the fine is paid. The number of hours of community service work must be specified in the court's order and may not exceed 8 hours for every \$25 of unpaid fine or one hundred 8-hour days, whichever is shorter. An offender ordered to perform community service work pursuant to this subparagraph is given credit toward the payment of the fine for each 8-hour day of community service work performed at the rate specified in the court's order. The offender is also given credit toward the payment of the fine for each day that the offender is detained as a result of an arrest warrant issued pursuant to this section at a rate specified in the court's order that is up to \$100 of unpaid fine per day of confinement. An offender is responsible for paying any fine remaining after receiving credit for any detention and for community service work performed. A default on the remaining fine is also governed by this section.

SUMMARY

Current law allows a judge to incarcerate a person who fails to pay a fine and provides a credit in an amount specified by the judge towards the payment of the unpaid fine; the length of confinement may not exceed one day for every \$100 of unpaid fines. If a person who owes a fine for a Class D or E crime is detained, however, that person must be given credit at a rate specified by the court, up to a maximum of \$100 per day the person is detained.

This bill removes that difference by specifying that a person incarcerated for failing to pay a fine must be given credit towards the payment of that fine in an amount up to \$100 per day for each day the person is incarcerated, the same as for a person incarcerated for failing to pay a fine imposed for a Class D or E crime.