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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 351, L.D. 477, “An Act To Allow for Fair Restitution by Providing That Restitution Does Not Include the Cost of Analysis of Suspected Illegal Drugs”

Amend the bill by striking out the title and substituting the following:

'An Act To Allow for Fair Restitution by Providing That Restitution Includes the Cost of Analysis of Suspected Illegal Drugs If the Defendant Was Convicted of Trafficking and Was Motivated by Profit'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 17-A MRSA §2002, sub-§3, ¶B, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

B. "Critical investigation expense" means a necessary expense incurred by a government or by a victim while investigating or prosecuting suspected criminal conduct. "Critical investigation expense" is limited to the cost of an audit or other financial analysis when that analysis is necessary to determine whether and to what extent a victim has suffered financial harm from criminal conduct by an employee or other person in a position of trust and the cost of analysis of suspected illegal drugs if the defendant is convicted of trafficking a scheduled drug under chapter 45 and the court in sentencing the defendant makes a finding that the conduct underlying the conviction was motivated by profit.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill. The amendment requires that a defendant be convicted of trafficking a scheduled drug and that a court determine the defendant was

COMMITTEE AMENDMENT

1 motivated by profit for the cost of analysis of suspected illegal drugs to be considered a
2 critical investigation expense for the purposes of restitution.