

Date:

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## CRIMINAL JUSTICE AND PUBLIC SAFETY

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### STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 352, L.D. 533, “An Act to Allow Residents of the Department of Corrections to Opt In to Additional Restitution for Their Victims”

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

**'Sec. 1. 5 MRSA §3360-I, first ¶,** as amended by PL 2023, c. 316, §1 and c. 412, Pt. GG, §1, is further amended to read:

As part of the sentence or fine imposed, the court shall impose an assessment of \$70 on any person convicted of murder, a Class A crime, a Class B crime or a Class C crime and \$40 on any person convicted of a Class D crime or a Class E crime, except that the court shall impose an assessment of \$2,000 on any person convicted of aggravated sex trafficking as described in Title 17-A, section 852, an assessment of \$1,000 on any person convicted of sex trafficking as described in Title 17-A, section 853, an assessment of \$1,000 on any person for the first conviction and \$2,000 for each subsequent conviction of engaging a person for prostitution as described in Title 17-A, section 853-B and an assessment of \$1,000 on any person for the first conviction and \$2,000 for each subsequent conviction of commercial sexual exploitation of a minor or commercial sexual exploitation of a person with a mental disability as described in Title 17-A, section 855. Notwithstanding any ~~other~~ provision of law to the contrary, the court may not waive the imposition of the assessment required by this section. For purposes of collection and collection procedures, this assessment is considered part of the fine. At the time of commitment, the court shall inform the Department of Corrections or the county sheriff of any unpaid balances on assessments owed by the offender to the Victims' Compensation Fund. All funds collected as a result of these assessments or transferred in accordance with Title 34-A, section 1214-C, subsection 5 accrue to the Victims' Compensation Fund.

**Sec. 2. 34-A MRSA §1214-C** is enacted to read:  
**§1214-C. Victims' Reporative Account**

1       The Victims' Reparative Account, referred to in this section as "the account," is  
2       established within the department for the purpose of providing a mechanism for offenders  
3       to voluntarily make reparations to the victims of their crimes.

4       **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5       following terms have the following meanings.

6       A. "Offender" has the same meaning as in Title 17-A, section 2002, subsection 5; and

7       B. "Victim" includes an authorized claimant for restitution described in Title 17-A,  
8       section 2004, subsection 1 or 4.

9       **2. Administration.** The Victim Services Coordinator under section 1214 shall  
10      administer the account. Except as otherwise provided in this section, all administrative  
11      costs of the account must be absorbed by the department.

12      **3. Funding.** Money donated by an offender seeking to make reparations to the  
13      offender's victims must be deposited into the account and designated to the victim for  
14      whose benefit the offender wishes to deposit the money. Money may not be donated to the  
15      account by an offender if the donation would affect the offender's ability to pay any  
16      court-ordered restitution to all victims of the offender's crimes. Once deposited in the  
17      account, an offender may not reclaim the money.

18      **4. Use.** The Victim Services Coordinator shall ensure that reasonable efforts are made  
19      to locate and notify the victim for whose benefit an offender has deposited money into the  
20      account. If a victim opts to claim the money deposited for that victim's benefit, a victim  
21      may use the money claimed under this section for any purpose.

22      **5. Final disposition.** If, within 5 years of deposit from an offender, money has not  
23      been claimed by the victim for whose benefit the offender has deposited the money, the  
24      department may deduct an amount necessary to defray administrative costs of the account  
25      and shall transfer the remaining money in the account designated for that victim to the  
26      Victims' Compensation Fund established by Title 5, section 3360-H.

27      **6. Confidentiality.** All records of deposits or claims in the account and the use of the  
28      money deposited in accordance with subsections 3 and 4 are confidential and may not be  
29      disclosed except by the victim. The records may also be disclosed to employees of the  
30      department as necessary for those employees in the performance of any official duty.

31      **7. Participation voluntary.** The deposit of money in the account by an offender is  
32      voluntary. An adverse action may not be threatened or taken against an offender for not  
33      depositing funds in the account. An offender may not be offered or given any incentive for  
34      participating in the deposit of money in the account and the decision of an offender whether  
35      to deposit funds into the account may not be used as either a mitigating or aggravating  
36      factor in any decision made by the department. An offender may not disclose the offender's  
37      donation of money to the account for any purpose, including to influence a clemency  
38      petition. If an offender violates this subsection, the chief administrative officer of the  
39      correctional facility shall prohibit the offender from donating to the account.

40      **Sec. 3. Appropriations and allocations.** The following appropriations and  
41      allocations are made.

42      **CORRECTIONS, DEPARTMENT OF**  
43      **Office of Victim Services 0046**

Initiative: Establishes the Victims' Reparative Account with a base Other Special Revenue Funds allocation of \$500.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2025-26</b>	<b>2026-27</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

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

### **SUMMARY**

This amendment replaces the bill, which is a concept draft. The amendment establishes a mechanism for offenders to voluntarily make reparations to the victims of their crimes.

### **FISCAL NOTE REQUIRED**

**(See attached)**