

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 650 - L.D. 1014

**An Act Regarding Payments to Recipients of Restitution**

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

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

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

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

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

When multiple fines are imposed on a convicted person at the same time or when a fine is imposed on a convicted person already subject to an unpaid or partly unpaid fine, the fines must be cumulative, unless the court specifies that only the highest single fine must be paid in the case of offenses based on the same conduct or arising out of the same criminal episode or for other good cause stated on the record or in the sentences. If the convicted

person has also been ordered to pay restitution, the restitution must be paid in full prior to paying a fine under this section.

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

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

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

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

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

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

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

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

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

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

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

An offender is responsible for paying any restitution outstanding at the time the term of commitment to the Department of Corrections or period of probation is completed. An offender who has complied with the time and method of payment of ~~monetary compensation~~ restitution determined by the Department of Corrections during the period of probation shall ~~continue to~~ make payments to the ~~Department of Corrections~~ office of the attorney for the State who prosecuted the case in accordance with that payment schedule unless modified by the court pursuant to section 2014 or 2015. An offender who has not complied with the time and method of payment of ~~monetary compensation~~ restitution determined by the Department of Corrections during the period of probation must be returned to the court for further disposition pursuant to section 2015. An offender who is unconditionally released and discharged from institutional confinement with the Department of Corrections upon the expiration of the sentence must, upon application of the office of the attorney for the State, be returned to the court for specification by the court of the time and method of payment of ~~monetary compensation~~ restitution, which ~~may~~ must be ordered paid to the office of the attorney for the State who prosecuted the case ~~or to the clerk of the court~~. Prior to the offender's unconditional release and discharge from institutional confinement or completion of the period of probation, the Department of Corrections shall provide the offender with written notice that any restitution outstanding at the time the term of commitment to the department or period of probation is completed must be paid to the office of the attorney for the State who prosecuted the case. At least 30 days prior to the offender's unconditional release and discharge from institutional confinement or completion of the period of probation, the Department of Corrections shall provide the office of the attorney for the State who prosecuted the case written notice as to the amount of restitution outstanding. An income withholding order issued pursuant to section 2007 remains effective and enforceable until the restitution is paid in full, even after an offender is no longer in the custody or under the supervision of the Department of Corrections. If an offender who is required to make payments to the office of the attorney for the State who prosecuted the case under this subsection instead makes a payment to the Department of Corrections or the department otherwise receives money that is owed as restitution by an offender who is no longer in the custody or under the supervision of the department, including, but not limited to, a setoff of a tax refund pursuant to Title 36, section 185-A, the department shall forward the money to the victim and shall inform the office of the attorney for the State who prosecuted the case of that action.

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

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