

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
S.P. 223 - L.D. 536

An Act To Amend the Maine Criminal Code

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

PART A

Sec. A-1. 17-A MRSA §2016, sub-§1, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

1. Work program; payment of restitution and fines. A prisoner who has been ordered to pay restitution or fines may not be released pursuant to a work program administered by the Department of Corrections under Title 34-A, section 3035, or a sheriff under Title 30-A, section 1605, or participate in an industry program under Title 34-A, section 1403, subsection 9 or any other program administered by the Department of Corrections or a sheriff by which a prisoner is able to generate money, unless the prisoner consents to pay at least 25% of the prisoner's gross weekly wages or other money generated to the victim or the court until such time as full restitution has been made or the fine is paid in full. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall collect and disburse to the victim or victims that portion of the prisoner's wages or other money generated agreed to as payment of restitution. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall also collect and disburse to the court that portion of the prisoner's wages or other money generated agreed to as payment of fines after the restitution is paid in full. If the victim or victims ordered by the court to receive restitution cannot be located, the correctional facility shall ~~inform the court that ordered restitution. The court shall determine the distribution of these funds~~ forward the funds, as provided in section 2009, to the Treasurer of State to be handled as unclaimed property.

Sec. A-2. 17-A MRSA §2016, sub-§2, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

2. Payment of restitution or fines from other sources. A prisoner, other than one addressed by subsection 1, who receives money, from any source, shall pay 25% of that money to any victim or the court if the court has ordered that restitution or a fine be paid. The chief administrative officer of the correctional facility in which the prisoner is incarcerated shall collect and disburse to the victim or victims that portion of the prisoner's

money ordered as restitution. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall also collect and disburse to the court that portion of the prisoner's money ordered as fines after the restitution is paid in full. If the victim or victims ordered by the court to receive restitution cannot be located, the correctional facility shall ~~inform the court that ordered restitution. The court shall determine the distribution of these funds~~ forward the funds, as provided in section 2009, to the Treasurer of State to be handled as unclaimed property. Money received by the prisoner and directly deposited into a telephone call account established by the Department of Corrections for the sole purpose of paying for use of the department's client telephone system is not subject to this subsection, except that 25% of any money received by the prisoner and transferred from the telephone call account to the department's general client account at the time of the prisoner's discharge or transfer to supervised community confinement must be collected and disbursed as provided in this subsection.

PART B

Sec. B-1. 17-A MRSA §301, sub-§1, ¶A, as amended by PL 2001, c. 383, §26 and affected by §156, is further amended to read:

- A. The actor knowingly restrains another person with the intent to:
- (1) Hold the other person for ransom or reward;
 - (2) Use the other person as a shield or hostage;
 - (3) Inflict bodily injury upon the other person ~~or subject the other person to conduct defined as criminal in chapter 11;~~
 - (3-A) Subject the other person to conduct defined as criminal in chapter 11;
 - (4) Terrorize the other person or a 3rd person;
 - (5) Facilitate the commission of another crime by any person or flight thereafter;
or
 - (6) Interfere with the performance of any governmental or political function; or

Sec. B-2. 34-A MRSA §11273, sub-§16, ¶C, as enacted by PL 2011, c. 663, §3, is amended to read:

- C. Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3) if the crime is committed prior to January 1, 2022;

Sec. B-3. 34-A MRSA §11273, sub-§16, ¶C-1 is enacted to read:

- C-1. Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3-A) if the crime is committed on or after January 1, 2022;

Sec. B-4. 37-B MRSA §504, sub-§4, ¶H, as enacted by PL 2015, c. 175, §1, is amended by amending subparagraph (3) to read:

- (3) Been convicted of a Class A or Class B crime under:
- (a) Title 17-A, chapter 11;
 - (b) Title 17-A, chapter 12; ~~or~~
 - (c) Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3) if the crime is committed prior to January 1, 2022; or

(d) Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3-A) if the crime is committed on or after January 1, 2022;

PART C

Sec. C-1. 17-A MRSA §1111-B, as amended by PL 2019, c. 292, §1, is further amended to read:

§1111-B. Exemption from criminal liability for reporting a drug-related medical emergency or administering naloxone

A person who in good faith seeks medical assistance for or administers naloxone hydrochloride to another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance may not be arrested or prosecuted for or subject to revocation of probation based on conduct that would otherwise constitute a violation of section 1107-A, 1108, 1111 or 1111-A ~~or a violation of probation as authorized by chapter 49~~ if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance, administering naloxone hydrochloride or experiencing a drug-related overdose.

PART D

Sec. D-1. 17-A MRSA §257, as amended by PL 2007, c. 476, §3, is repealed.