

§1126. Special sentencing provisions regarding fines for certain drug offenses

1. Fine based on value of scheduled drugs at time of offense. As authorized by section 1706, subsection 3, if the State pleads and proves the value at the time of the commission of a crime of a scheduled drug that is the basis for a conviction under section 1103, 1105-A, 1105-B, 1105-C, 1105-D, 1106 or 1107-A, the convicted person may be sentenced to pay a fine in an amount up to the value, as pleaded and proved by the State, of that scheduled drug.
[PL 2019, c. 113, Pt. B, §17 (NEW).]

2. Mandatory minimum fine barring court finding exceptional circumstances. In addition to any other authorized sentencing alternative specified in section 1502, subsection 2 for individuals or section 1502, subsection 7 for organizations, the court shall impose a minimum fine of \$400, none of which may be suspended, except as provided in subsection 3, for an individual convicted of a crime under section 1103; 1104; 1105-A; 1105-B; 1105-C; 1105-D; 1106; 1107-A; 1108; 1109; 1111-A, subsection 4-A; 1116; 1117; or 1118.
[PL 2021, c. 434, §9 (AMD).]

3. Finding by court necessary to impose other than minimum fine. In the case of an individual, the court may suspend all or a portion of a minimum fine under subsection 2 or impose a fine less than the minimum fine specified in subsection 2 if the court finds by a preponderance of the evidence that there are exceptional circumstances that justify imposition of a lesser financial penalty. In making a finding of exceptional circumstances, the court may consider:

- A. Reliable evidence of financial hardship on the part of the individual and the individual's family and dependents; [PL 2019, c. 113, Pt. B, §17 (NEW).]
- B. Reliable evidence of special needs of the individual or the individual's family and dependents; [PL 2019, c. 113, Pt. B, §17 (NEW).]
- C. Reliable evidence of the individual's income and future earning capacity and the individual's assets and financial resources from whatever source; [PL 2019, c. 113, Pt. B, §17 (NEW).]
- D. Reliable evidence regarding any pecuniary gain derived from the commission of the offense; and [PL 2019, c. 113, Pt. B, §17 (NEW).]
- E. The impact of imposition of the mandatory fine on the individual's reasonable ability to pay restitution under chapter 69. [PL 2019, c. 113, Pt. B, §17 (NEW).]

[PL 2019, c. 113, Pt. B, §17 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. B, §17 (NEW). PL 2021, c. 434, §9 (AMD).

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