

MAINE STATE LEGISLATURE

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Eds

L.D. 862

DATE: 6/8/5

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 613, L.D. 862, Bill, "An Act To Improve the Collection of Restitution and Supervision Fees"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 17-A MRSA §1176 is enacted to read:

§1176. Confidentiality of victim records

Records that pertain to a victim's current address or location or that contain information from which a victim's current address or location could be determined must be kept confidential and may be disclosed only to a state agency if necessary to carry out the statutory function of that agency or to a criminal justice agency if necessary to carry out the administration of criminal justice or the administration of juvenile criminal justice. In no case may a victim's request for notice of release be disclosed outside the agency to which the defendant is committed and the office of the attorney for the State with which the request was filed.'

Further amend the bill in section 3 in that part designated "**§1326-E.**" in the first paragraph in the 3rd line (page 1, line 50 in L.D.) by inserting after the following: "basis" the following: ', unless the court specifically determines that one defendant should not equally share the burden'

COMMITTEE AMENDMENT

Further amend the bill by inserting after section 7 the following:

'Sec. 8. 36 MRS §5276-A, sub-§6, as enacted by PL 1981, c. 504, §4, is amended to read:

6. Accounting. The creditor agency shall credit the account of the individual whose refund has been set off with the full amount of the setoff, including the collection fee retained by, or reimbursed to, the State Tax Assessor, except that the collection fee may not be credited to the account of an individual required to make restitution as provided in Title 17-A, section 1152, subsection 2-A.

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

SUMMARY

This amendment provides that records pertaining to a crime victim's current address or location or from which the current address or location could be determined are confidential, except for current statutory exceptions. The amendment gives the court authority to deviate from joint and several liability in cases involving more than one defendant only if the court determines that a defendant should not equally share the burden of restitution. The amendment also provides that if a tax refund is used to offset restitution owed to a crime victim, the collection fee may not be deducted from the amount owed to the victim.