

MAINE STATE LEGISLATURE

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MAJORITY

Date: 6/17/19

(Filing No. S-305)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

129TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 487, L.D. 1550, Bill, "An Act To Create a Victims' Compensation Fund for Victims of Property Crimes"

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

Sec. 1. 5 MRSA §3360-A, sub-§1, as enacted by PL 1991, c. 806, §3, is amended to read:

1. Establishment and membership. There is established within the Department of the Attorney General the Victims' Compensation Board. The board consists of ~~3~~ 5 members appointed by the Attorney General. One member must be a physician licensed to practice medicine in the State; one member must be an attorney licensed to practice law in the State; ~~and~~ one member must be experienced in working with victims of crime; and, beginning July 1, 2022, one member must be knowledgeable about insurance claims regarding property damage or replacement and one member must represent the public.

Sec. 2. 5 MRSA §3360-A, sub-§6, as enacted by PL 1991, c. 806, §3, is amended to read:

6. Quorum. Two members of the board constitute a quorum and, beginning July 1, 2022, 3 members of the board constitute a quorum.

Sec. 3. 5 MRSA §3360-A, sub-§7, as enacted by PL 1991, c. 806, §3, is amended to read:

7. Rules. The board may adopt rules pursuant to the Maine Administrative Procedure Act to carry out the purposes of this chapter and, beginning July 1, 2022, the purposes of chapter 316-C. Rules adopted pursuant to this subsection are routine technical rules as defined by chapter 375, subchapter 2-A.

Sec. 4. 5 MRSA §3360-A, sub-§8 is enacted to read:

8. Duties. The board shall perform the duties assigned to it in this chapter and, effective July 1, 2022, the duties assigned in chapter 316-C.'

COMMITTEE AMENDMENT

ROFS

COMMITTEE AMENDMENT "A" to S.P. 487, L.D. 1550 (S-305)

1 Amend the bill in section 1 in §3360-S in subsection 3 in the 4th and 5th lines (page
2 1, lines 33 and 34 in L.D.) by striking out the following: "Notwithstanding any other law,
3 the court may not waive the imposition of the assessment required by this subsection."

4 Amend the bill in section 1 in §3360-S by striking out all of subsection 4 (page 2,
5 lines 6 to 20 in L.D.) and inserting the following:

6 '4. Eligibility. The board may award compensation under this chapter to an
7 individual who:

8 A. Suffers a property loss as a result of a crime; or

9 B. Would otherwise be eligible for compensation, even though:

10 (1) The criminal conduct occurred in this State but within the exclusive
11 jurisdiction of the United States; or

12 (2) The property loss resulted from conduct that violates a criminal law of the
13 United States.'

14 Amend the bill in section 1 in §3360-S in subsection 8 in the 2nd line (page 3, line 5
15 in L.D.) by striking out the following: "\$5,000" and inserting the following: '\$1,000'

16 Amend the bill in section 1 in §3360-S in subsection 11 in paragraph B in the 2nd
17 line (page 3, line 42 in L.D.) by striking out the following: "2020" and inserting the
18 following: '2022'

19 Amend the bill in section 1 in §3360-S in subsection 11 by striking out all of
20 paragraph C (page 4, lines 1 and 2 in L.D.) and inserting the following:

21 'C. The board is not authorized to process or pay claims under this chapter before
22 July 1, 2022.'

23 Amend the bill by inserting after section 1 the following:

24 'Sec. 2. 17-A MRSA §2018, as enacted by PL 2019, c. 113, Pt. A, §2, is amended
25 to read:

26 **§2018. Restitution for benefit of victim**

27 When compensation is awarded from the Victims' Compensation Fund pursuant to
28 Title 5, chapter 316-A or the Victims' Property Compensation Fund pursuant to Title 5,
29 chapter 316-C, the amount of any restitution ordered to be paid to or for the benefit of the
30 victim and collected as part of a sentence imposed must be paid by the agency collecting
31 the restitution in an amount not to exceed the amount of the payments from the fund,
32 directly to the fund if, when added to the payments from the fund, the restitution exceeds
33 the victim's actual loss.

34 **Sec. 3. Appropriations and allocations.** The following appropriations and
35 allocations are made.

36 **JUDICIAL DEPARTMENT**

37 **Courts - Supreme, Superior and District 0063**

ROFS

COMMITTEE AMENDMENT " A " to S.P. 487, L.D. 1550 (S-305)

1 Initiative: Provides one-time funding for technology-related modifications to allow the
2 courts to assess additional fees.

3	GENERAL FUND	2019-20	2020-21
4	All Other	\$10,000	\$0
5			
6	GENERAL FUND TOTAL	<u>\$10,000</u>	<u>\$0</u>
7			

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

10 **SUMMARY**

11 This amendment adds 2 members to the Victims' Compensation Board, amends its
12 quorum from 2 to 3 members and clarifies that the board performs the duties assigned to
13 it under the victims' property compensation program beginning July 1, 2022. The
14 amendment allows the board to compensate a victim of a crime up to \$1,000 for property
15 losses or insurance deductibles paid pursuant to an insurance claim as a result of the
16 property loss. The amendment provides July 1, 2022 as the date on which the board is
17 authorized to begin to process or pay claims. The amendment removes from the bill the
18 prohibition on the court's waiving the imposition of the assessment that funds the Victims'
19 Property Compensation Fund. The amendment removes from the bill eligibility for an
20 award for a person who is the victim of a crime that occurred in another state or a crime
21 of terrorism that occurred outside of the country. The amendment provides for
22 rulemaking for the Victims' Property Compensation Fund and designates rules for both
23 this fund and the Victims' Compensation Fund as routine technical rules. The amendment
24 amends the law on restitution for victims of a crime so that, once a victim has been
25 compensated as allowed by law from either fund or a combination of a fund and
26 restitution, any additional restitution payments are paid into the applicable fund. The
27 provisions of law incorporating the Victims' Property Compensation Fund into the duties
28 of the Victims' Compensation Board and increasing the membership of that board do not
29 apply until July 1, 2022.

30 **FISCAL NOTE REQUIRED**

31 (See attached)

COMMITTEE AMENDMENT



129th MAINE LEGISLATURE

LD 1550

LR 1986(02)

An Act To Create a Victims' Compensation Fund for Victims of Property Crimes

Fiscal Note for Bill as Amended by Committee Amendment "4" (S-305)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Net Cost (Savings)				
General Fund	\$10,000	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$10,000	\$0	\$0	\$0
Other Special Revenue Funds	\$0	\$0	\$0	\$83,211
Revenue				
Other Special Revenue Funds	\$115,000	\$230,000	\$230,000	\$230,000

Fiscal Detail and Notes

This bill creates the Victims Property Compensation Fund, which will be overseen by the existing Victims Compensation Board, to compensate victims of crimes in which the victims suffered property losses. Revenue will come from a \$10 assessment on any person convicted of murder or a Class A, B or C crime, and a \$5 assessment on any person convicted of a Class D or E crime. Over the past three years there were an average of 4,346 Class A, B and C convictions annually and 37,185 Class D and E convictions annually. It is estimated that \$230,000 in revenues will be generated annually for the fund beginning January 1 2020.

The judicial branch has indicated assessing an additional fee would require one-time technology related modifications to its current revenue collection software. The bill includes one-time General Fund appropriations to the judicial branch of \$10,000 in fiscal year 2020. Any ongoing costs related to assessing the additional fee can be absorbed within existing budgeted resources.

The Office of the Attorney General (OAG) has indicated it would require an additional Research Assistant MSEA-B Position to support the expanded functions of the Victims Compensation Board. As the bill authorizes the board to begin paying claims in fiscal year 2022-23, the position would not be needed until fiscal year 2022-23. Also, the bill adds two additional members to the Victims Compensation Board beginning in fiscal year 2022-23 and members are entitled to per diem plus compensation for actual and necessary expenses, estimated to be \$1,320 annually. Accordingly, the OAG will require ongoing allocations of approximately \$83,000 for personal services and other costs beginning in fiscal year 2022-23.