

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1474, L.D. 1712, Bill,  
"AN ACT to Encourage Restitution."

Amend the Bill by striking out all of section 1.

Further amend the Bill in section 2 by inserting in the next to the last line after the underlined words and number "chapter 51 or" the following: 'to'

Further amend the Bill in section 4 in that part designated "§1321" by striking out in the 2nd sentence the underlined words "It is also found" and inserting in their place the following: 'It also finds'

Further amend the Bill in section 4 in that part designated "§1322." in subsection 1 in the 3rd line (2nd in L.D.) by striking out the underlined words "criminal conduct" and inserting in their place the following: 'a crime'

Further amend the Bill in section 4 in that part designated "§1322." in subsection 1 by striking out paragraph C and relettering paragraphs D to G to be C to F

Further amend the Bill in section 4 in that part designated "§1322." by striking out subsection 2

Further amend the Bill in section 4 in that part designated "§1322." in subsection 4, paragraph A, by inserting at the end of the first sentence before the period the following: ', and nonmedical remedial care and treatment rendered in accordance with a recognized religious method of healing'

Further amend the Bill in section 4 in that part designated "§1322." by striking out subsection 8 and inserting in its place the following:

'8. Victim. "Victim" means a person who suffers personal injury, death or economic loss as a result of a crime or the good faith effort of any person to prevent a crime.'

Further amend the Bill in section 4/by renumbering subsection <sup>in that part designate "§1322."</sup> 3 to 8 to be 2 to 7'

Further amend the Bill in section 4 in that part designated "§1325." in subsection 1 by striking out in paragraph C the underlined words "the crime" and inserting in their place the following: 'restitution'

Further amend the Bill in section 4 by inserting at the end the following:

1327. Restitution deducted from judgment in civil action

Any restitution ordered and paid shall be deducted from the amount of any judgment awarded in a civil action brought by the victim against the offender based on the same facts. If the restitution ordered and made was work restitution, the reasonable value of the services may be deducted from any such judgment.

§1328. Revocation of restitution

1. Petition. A convicted person, who has been sentenced to pay restitution and has not inexcusably defaulted in payment thereof, may at any time petition the court which sentenced him for a revocation of any unpaid portion thereof. If the court finds that the circumstances which warranted the imposition of

the restitution have changed, or that it would otherwise be unjust to require payment, the court may revoke the unpaid portion thereof in whole or in part, or modify the time and method of payment.

2. Final judgment. If, in any judicial proceeding following conviction, a court issues a final judgment invalidating the conviction, such judgment may include an order that any or all of a restitution payment which the convicted person paid pursuant to the sentence for such conviction be returned to him.'

Further amend the Bill in section 7 in paragraph D by striking out the underlined words "as authorized by Title 17-A" and inserting in / <sup>their</sup> place the following: 'in accordance with Title 17-A, chapter 54'

Further amend the Bill by renumbering sections 2 to section 8 to be sections 1 to 7.

#### Statement of Fact

This ~~A~~ Amendment removes juvenile cases from the ~~B~~ Bill, since those will be covered by other legislation. It clarifies the language of other sections of the ~~B~~ Bill.

This ~~A~~ Amendment also provides that any restitution paid shall act as a set off for future civil claims from the same crime. It provides for revocation of a restitution award in cases where payment would be unjust or where the conviction was invalidated.

Reported by the Majority of the Committee on Judiciary.

Reproduced and distributed under the direction of the Clerk of the House.

6/20/77

(Filing No. H-720)