

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

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H.P. 1064

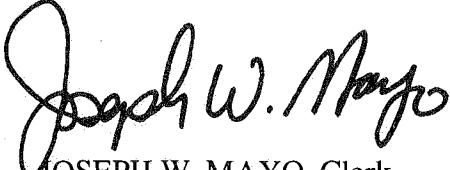
House of Representatives, March 12, 1997

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**An Act to Enable Victims to Benefit from the Profits from Crimes.**

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Reference to the Committee on Judiciary suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative CLUKEY of Houlton.  
Cosponsored by Representatives: O'NEAL of Limestone, WHEELER of Bridgewater,  
WHEELER of Eliot.

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

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4 Sec. 1. 14 MRSA §752-E is enacted to read:

6 §752-E. Crime victims; profits from crime

8 1. Limitation period. Actions based upon a criminal  
10 offense in which, as that offense is defined, there is a victim,  
12 as defined in Title 17-A, section 1171, subsection 2, brought by  
14 or on behalf of a victim against the offender must be commenced  
within the limitation period otherwise provided or within 3 years  
of the time the victim discovers or reasonably should have  
discovered any profits from the crime, whichever occurs later.

16 2. Notice to victims. A person or organization that  
18 knowingly pays or agrees to pay any profits from a criminal  
20 offense in which, as that offense is defined, there is a victim  
22 to a person charged with or convicted of that crime shall make  
24 reasonable efforts to notify every victim, as defined in Title  
26 17-A, section 1171, subsection 2, of the payment or agreement to  
28 pay as soon as practicable after discovering that the payment or  
intended payment constitutes profits from the crime. Reasonable  
efforts must include, but are not limited to, seeking information  
about victims from court records and the prosecuting attorney and  
mailing notice by certified mail to victims whose address is  
known and publishing, at least once every 6 months for 3 years,  
in newspapers of general circulation in the area where the crime  
occurred a legal notice to unknown victims or victims whose  
address is unknown.

30 3. Definition. As used in this section, "profits from the  
32 crime" means any property obtained through or income generated  
34 from the commission of a crime; any property obtained by or  
36 income generated from the sale, conversion or exchange of  
proceeds of a crime, including any gain realized by such a sale,  
conversion or exchange; and any property that the offender  
38 obtained by committing the crime or income generated as a result  
of having committed the crime, including any assets obtained  
through the use of unique knowledge obtained during the  
40 commission of, or in preparation for the commission of, the  
42 crime, as well as any property obtained by or income generated  
from the sale, conversion or exchange of the property and any  
gain realized by such a sale, conversion or exchange.

44 4. Construction. Nothing in this section may be construed  
46 to expand civil liability or to restrict any defense to civil  
48 liability except as specified in subsection 1 with respect to the  
limitation period.

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## SUMMARY

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6       This bill, modeled after so-called "son of Sam" legislation  
8       in other states, allows victims of a crime 3 years from the  
10       discovery or reasonable discovery of profits from the crime to  
      bring a civil action for damages against the criminal. It also  
      requires any person or organization paying or agreeing to pay  
      those profits to make reasonable efforts to notify the victims of  
      the profits.