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Legislative Document

No. 1077

H.P. 823

House of Representatives, February 22, 2001

An Act to Protect Maine's Elderly from Theft and Fraud.

Reference to the Committee on Criminal Justice suggested and ordered printed.

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DUNLAP of Old Town. Cosponsored by Senator KILKELLY of Lincoln and Representatives: GREEN of Monmouth, MAYO of Bath, PERRY of Bangor, RINES of Wiscasset, Speaker SAXL of Portland, SCHNEIDER of Durham, SIMPSON of Auburn, THOMAS of Orono.

Be it enacted by the People of the State of Maine as follows: 2 Sec. 1. 15 MRSA §5821, sub-§7-A, as enacted by PL 1999, c. 4 349, \S 2, is amended to read: 7-A. Except as provided in paragraph A, all 6 Computers. computers, as defined in Title 17-A, section 431, subsection 2, and computer equipment, including, but not limited to, printers 8 and scanners, that are used or are attempted to be used in 10 violation of Title 17-A, section 259. 12 Α. Property may not be forfeited under this subsection, to the extent of the interest of an owner, by reason of an act 14 or omission established by that owner to have been committed or omitted without the knowledge or consent of the owner; and 16 Sec. 2. 15 MRSA §5821, sub-§8, as enacted by PL 1989, c. 302, 18 §3, is amended to read: 20 8. Bona fide lienholders. Α forfeiture. under this section, of property encumbered by a perfected bona fide security 22 interest, is subject to the interest of the secured party if the party neither had knowledge of nor consented to the act or omission upon which the right of forfeiture is based ; and 24 Sec. 3. 15 MRSA §5821, sub-§9 is enacted to read: 26 28 9. Theft and fraud against elderly. All real and personal property of a person convicted of an offense under Title 17-A, 30 chapter 15 or 37 and subject to the provisions of Title 17-A, section 1152, subsection 5. 32 Sec. 4. 17-A MRSA §1152, sub-§5 is enacted to read: 34 5. If a defendant is convicted of an offense under chapter 36 15 or 37 and the victim is 60 years of age or older, the court may order as part of the sentence a forfeiture pursuant to Title 38 15, chapter 517 of the defendant's assets up to the amount of the loss of the victim caused by the defendant's actions underlying 40 the conviction, less any amount the defendant has paid to make the victim whole. This forfeiture may be imposed in addition to 42 a fine imposed pursuant to chapter 53. 44 SUMMARY 46 This bill allows a court to order the forfeiture of a 48 defendant's assets for a defendant who is convicted of theft or

fraud against a person 60 years of age or older.