

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 615, L.D. 838, Bill, "An Act Regarding Bail and Fines"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 15 MRSA §1074, sub-§3, as enacted by PL 1987, c. 758, §20, is amended to read:

3. Setoff. When a defendant has deposited cash or other property owned by the defendant as bail or has offered real estate owned by the defendant and subject to a bail lien as bail and the cash, other property or real estate has not been forfeited, the court, before ordering the cash or other property returned to the defendant or discharging the real estate bail lien, shall determine whether the cash, other property or real estate or any portion of the cash, other property or real estate is subject to setoff as authorized by this section. The court may order all or a portion of the bail owned by a defendant that has not been forfeited to be first paid and applied to one or more of the following:

A. Any fine, forfeiture, penalty or fee imposed upon a defendant as part of the sentence for conviction of any offense arising out of the criminal proceeding for which the bail has been posted and the sentence for conviction of any offense in an unrelated civil or criminal proceeding;

COMMITTEE AMENDMENT

R. O. S.

2 B. Any amount of restitution the defendant has been ordered
to pay as part of the sentence imposed in the proceeding for
4 which bail has been posted and in any unrelated proceeding;

6 C. Any amount of ~~attorneys'~~ attorney's fees or other
expense authorized by the court at the request of the
8 defendant or attorney and actually paid by the State on
behalf of the defendant on the ground that the defendant has
10 been found to be indigent in the proceeding for which bail
has been posted and in any unrelated proceeding; and

12 D. Any surcharge imposed by Title 4, section 1057.

14 The court shall apply any bail collected pursuant to this
16 subsection first to restitution.'

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SUMMARY

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This amendment directs the court to apply any bail owned by
22 a defendant that has not been forfeited to restitution first.

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FISCAL NOTE REQUIRED

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(See attached)



121st Maine Legislature
Office of Fiscal and Program Review

LD 838

An Act Regarding Bail and Fines

LR 1418(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor revenue increase - General Fund

Fiscal Detail and Notes

Authorizing the court to set off bail against criminal fines, forfeitures, fees, restitution, attorney's fees and other expenses will result in an increase in revenue to the General Fund. This increase will be offset by the proposed requirement that the set off bail be applied first to victims who are due restitution. Given that the current practice of many judges is to award restitution first, the net impact on General Fund revenue is not expected to be significant.