

MAINE STATE LEGISLATURE

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Date: 3/14/7

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 190, L.D. 219, Bill, "An Act To Use Forfeited Bail Money for the Victims of an Offender"

Amend the bill in section 3 in subsection 3-A in the 3rd line (page 1, line 27) by inserting after the following: "forfeiture of bail" the following: 'in the proceeding brought under this section'

SUMMARY

This amendment clarifies that proceeds from forfeited bail of an offender who is in default of a restitution obligation may be used to satisfy the obligation only in the proceeding brought under that default proceeding.

When an offender who has been sentenced to pay restitution fails to pay the restitution, the offender may be required to appear in court pursuant to the Maine Revised Statutes, Title 17-A, section 1329. As part of that proceeding, the court may issue a bench warrant and require the offender to post bail. If the offender fails to appear in the restitution proceeding, the court may forfeit the bail. Under current law, forfeited bail may be transferred only to the District Attorney's Extradition Account under Title 15, section 224-A and is not available to satisfy the restitution order. The amendment requires that proceeds of a bail forfeiture in the restitution default proceeding instead be used first to satisfy the restitution order, with any remaining forfeited bail transferred to the Extradition Account.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 219

LR 1479(02)

An Act To Use Forfeited Bail Money for the Victims of an Offender

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-19)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor revenue decrease - General Fund

Correctional and Judicial Impact Statements

This legislation allows forfeited bail funds to be used to pay restitution.

Fiscal Detail and Notes

The reduction of revenue to the General Fund resulting from this legislation is expected to be minor.