

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 219

H.P. 190

House of Representatives, January 16, 2007

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

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HANLEY of Gardiner.
Cosponsored by Senator McCORMICK of Kennebec and
Representatives: FISCHER of Presque Isle, HARLOW of Portland, MAZUREK of Rockland,
SCHATZ of Blue Hill, SYKES of Harrison, WEDDELL of Frankfort.

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

2 **Sec. 1. 15 MRSA §224-A, sub-§2,** as amended by PL 1995, c. 447, §2, is further
3 amended to read:

4 **2. Funding.** The Extradition Account in each prosecutorial district is funded by bail
5 forfeited to and recovered by the State pursuant to the Maine Rules of Criminal
6 Procedure, Rule 46. Whenever bail is so forfeited and recovered by the State and if it is
7 not payable as restitution pursuant to Title 17-A, section 1329, subsection 3-A, the district
8 attorney shall determine whether it or a portion of it is deposited in the Extradition
9 Account for that district attorney's prosecutorial district, but in no event may the account
10 exceed \$20,000. Any bail so forfeited and recovered and not deposited in the Extradition
11 Account must be deposited in the General Fund. Any unexpended balance in the
12 Extradition Account of a prosecutorial district established by this section may not lapse
13 but must be carried forward into the next year.

14 **Sec. 2. 15 MRSA §1094, first paragraph,** as amended by PL 1997, c. 543, §21,
15 is further amended to read:

16 When a defendant who has been admitted to either preconviction or post-conviction
17 bail in a criminal case fails to appear as required or has violated the conditions of release,
18 the court shall declare a forfeiture of the bail. The obligation of the defendant and any
19 sureties may be enforced in such manner as the Supreme Judicial Court shall by rule
20 provide and in accordance with section 224-A and Title 17-A, section 1329, subsection 3-
21 A. The rules adopted by the Supreme Judicial Court must provide for notice to the
22 defendant and any sureties of the consequences of failure to comply with the conditions
23 of bail.

24 **Sec. 3. 17-A MRSA §1329, sub-§3-A** is enacted to read:

25 **3-A. Forfeiture of bail.** When an offender who has been sentenced to make
26 restitution and has defaulted in payment or service of the restitution is declared in
27 forfeiture of bail pursuant to Title 15, section 1094, the obligation and sureties of the
28 defendant must be enforced pursuant to Title 15, section 1094 and the district attorney
29 shall use the proceeds to satisfy the offender's restitution obligation. Any proceeds from
30 the forfeited bail remaining after the offender's restitution obligation has been satisfied
31 must be used in accordance with Title 15, section 224-A, subsection 2.

32 **SUMMARY**

33 This bill requires the proceeds from a forfeited bail of an offender who is in default of
34 a restitution obligation to be used to satisfy the obligation.