

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 276

H.P. 224

House of Representatives, February 1, 2011

An Act To Enhance the Collection of Restitution for Victims of Crimes

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative FOSSEL of Alna.
Cosponsored by Senator RECTOR of Knox and
Representatives: SANDERSON of Chelsea, SARTY of Denmark, Senator: TRAHAN of
Lincoln.

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

2 **Sec. 1. 17-A MRSA §1326-A**, as amended by PL 2009, c. 608, §12, is further
3 amended to read:

4 **§1326-A. Time and method of restitution**

5 When restitution is authorized, and the offender is not committed to the Department
6 of Corrections and does not receive a sentence that includes a period of probation, the
7 time and method of payment or of the performance of the services must be specified by
8 the court and monetary compensation may be ordered paid to the office of the prosecuting
9 attorney who is prosecuting the case or to the clerk of the court. If the offender is
10 committed to the Department of Corrections or receives a sentence that includes a period
11 of probation, monetary compensation must be paid to the Department of Corrections and
12 the time and method of payment must be determined by the Department of Corrections
13 during the term of commitment or the period of probation, unless at the time of
14 sentencing the court has specified the time and method of payment. Once any term of
15 commitment to the Department of Corrections or period of probation is completed and if
16 the restitution ordered has not been paid in full, the offender is subject to the provisions
17 of section 1326-F and, in the event of a default, the provisions of section 1329. The state
18 agency receiving the restitution shall deposit any money received in the account
19 maintained by the Treasurer of State for deposit of state agency funds, from which funds
20 are daily transferred to an investment account and invested. Interest accrued on that
21 money is the property of and accrues to the State for deposit in the General Fund. The
22 agency receiving the restitution shall make the disbursement to the victim or other
23 authorized claimant as soon as possible after the agency receives the money.

24 **SUMMARY**

25 This bill allows a court to determine the time and method of payment for criminal
26 restitution when the payer is committed to the Department of Corrections.