

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 526

H.P. 345

House of Representatives, February 19, 2013

**An Act To Allow for the Disposition of Certain Items Confiscated
from Criminals Convicted of Sexual Exploitation of Minors**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TYLER of Windham.
Cosponsored by Senator PLUMMER of Cumberland and
Representatives: JONES of Freedom, KINNEY of Limington, KNIGHT of Livermore Falls,
McCLELLAN of Raymond, PEASE of Morrill.

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

2 **Sec. 1. 17-A MRSA §285, sub-§1**, as enacted by PL 2003, c. 711, Pt. B, §12, is
3 amended to read:

4 **1.** ~~Upon~~ Within one year subsequent to a finding of guilt of any violation of this
5 chapter, ~~but prior to sentencing~~, an attorney for the State or a representative of a law
6 enforcement agency may, in writing, move the court for an order requiring the forfeiture
7 to the State of any equipment, including ~~computers~~ a computer, cellular telephone,
8 personal digital assistant or other electronic device, that may have facilitated the
9 commission of the offense. Notice of the motion must be made by the State to the
10 defendant and any party of interest; this notice must be done by registered mail.

11 **Sec. 2. 17-A MRSA §285, sub-§4**, as enacted by PL 2003, c. 711, Pt. B, §12, is
12 amended to read:

13 **4.** Upon a finding by a preponderance of the evidence that the equipment was used to
14 facilitate the commission of a violation of this chapter, the court shall order the
15 equipment forfeited and may, upon the written recommendation of the attorney for the
16 State or the representative of a law enforcement agency, provide in its order for the
17 disposition or use of the equipment by any state, county or municipal law enforcement
18 agency that made a substantial contribution to the investigation or prosecution of the case.
19 Any equipment forfeited that is not transferred to an investigating or prosecuting agency
20 must be sold and the proceeds deposited in the General Fund.

21 **SUMMARY**

22 This bill amends the law concerning criminal forfeiture of equipment used in the
23 sexual exploitation of minors by extending the period in which a motion may be filed for
24 forfeiture of the equipment, allowing a representative of a law enforcement agency to
25 bring the motion, expanding the list of electronic equipment that may be seized and
26 allowing the representative of a law enforcement agency to recommend to the court the
27 final disposition or use of the forfeited equipment.