

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 834

H.P. 602

House of Representatives, March 8, 2021

An Act To Ensure the Appropriate Allocation of Victim Restitution

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative STOVER of Boothbay.

Cosponsored by Representatives: BERRY of Bowdoinham, CRAVEN of Lewiston, FAY of Raymond, MEYER of Eliot, WARREN of Hallowell, Senator: BALDACCI of Penobscot.

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

2 **Sec. 1. 17-A MRSA §2008**, as enacted by PL 2019, c. 113, Pt. A, §2, is amended
3 to read:

4 **§2008. Deceased victims**

5 An offender's obligation to pay restitution is not affected by the death of the victim to
6 whom the restitution is due. The money collected as restitution must be forwarded to the
7 estate of the victim. If an offender is an heir, beneficiary or recipient of the victim's estate,
8 any restitution paid to the estate under this section may not benefit the offender but must
9 be distributed to any other heir, beneficiary or recipient as if the distribution of the estate's
10 assets did not include the offender or, if the victim's estate has no heir, beneficiary or
11 recipient other than the offender, the restitution must be paid to the Victims' Compensation
12 Fund under Title 5, chapter 316-A or the Victims' Property Compensation Fund under Title
13 5, chapter 316-C, determined by whether the restitution is for underlying injury or property
14 damage.

15 **SUMMARY**

16 This bill prohibits a deceased victim's restitution from being paid to an offender if the
17 offender is an heir, beneficiary or recipient of funds from the victim's estate. If an offender
18 is an heir, beneficiary or recipient of a victim's estate, the restitution must be distributed to
19 any other heir, beneficiary or recipient of the estate as if the distribution of the estate did
20 not include the offender. If a victim's estate has only the offender as an heir, beneficiary
21 or recipient, the restitution must be paid to the Victims' Compensation Fund or the Victims'
22 Property Compensation Fund, determined by whether the restitution is for underlying
23 injury or property damage.