

MAINE STATE LEGISLATURE

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Date 6/5/23

(Filing No H- 311)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to HP 650, L D 1014, "An Act Regarding Payments to Recipients of Restitution"

Amend the bill in section 1 in subsection 6 in the 6th line (page 1, line 9 in L D) by striking out the following "or" and inserting the following 'or.'

Amend the bill in section 1 in subsection 6 in the 6th line (page 1, line 9 in L D) by inserting after the following "disposition of the property" the following 'and any cash seized or forfeited'

Amend the bill in section 6 in §2006 in the first indented paragraph in the 4th line (page 2, line 11 in L D) by striking out the following "monetary compensation may" and inserting the following '~~monetary compensation may~~ restitution'

Amend the bill in section 6 in §2006 in the first indented paragraph in the 4th line (page 2, line 11 in L D) by striking out the following "prosecuting" and inserting the following '~~prosecuting~~'

Amend the bill in section 6 in §2006 in the first indented paragraph in the 5th line (page 2, line 12 in L D) by inserting after the following "attorney" the following 'for the State'

Amend the bill by striking out all of section 7 and inserting the following

'Sec. 7. 17-A MRSA §2011, as enacted by PL 2019, c 113, Pt A, §2, is amended to read

§2011. Former Department of Corrections' clients owing restitution

An offender is responsible for paying any restitution outstanding at the time the term of commitment to the Department of Corrections or period of probation is completed. An offender who has complied with the time and method of payment of ~~monetary compensation~~ restitution determined by the Department of Corrections during the period of probation shall ~~continue to~~ make payments to the ~~Department of Corrections~~ office of the attorney for the State who prosecuted the case in accordance with that payment schedule unless modified by the court pursuant to section 2014 or 2015. An offender who has not complied with the time and method of payment of ~~monetary compensation~~ restitution

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1 determined by the Department of Corrections during the period of probation must be
 2 returned to the court for further disposition pursuant to section 2015. An offender who is
 3 unconditionally released and discharged from institutional confinement with the
 4 Department of Corrections upon the expiration of the sentence must, upon application of
 5 the office of the attorney for the State, be returned to the court for specification by the court
 6 of the time and method of payment of ~~monetary compensation~~ restitution, which ~~may~~ must
 7 be ordered paid to the office of the attorney for the State who prosecuted the case ~~or to the~~
 8 ~~clerk of the court~~. Prior to the offender's unconditional release and discharge from
 9 institutional confinement or completion of the period of probation, the Department of
 10 Corrections shall provide the offender with written notice that any restitution outstanding
 11 at the time the term of commitment to the department or period of probation is completed
 12 must be paid to the office of the attorney for the State who prosecuted the case. At least 30
 13 days prior to the offender's unconditional release and discharge from institutional
 14 confinement or completion of the period of probation, the Department of Corrections shall
 15 provide the office of the attorney for the State who prosecuted the case written notice as to
 16 the amount of restitution outstanding. An income withholding order issued pursuant to
 17 section 2007 remains effective and enforceable until the restitution is paid in full, even after
 18 an offender is no longer in the custody or under the supervision of the Department of
 19 Corrections. If an offender who is required to make payments to the office of the attorney
 20 for the State who prosecuted the case under this subsection instead makes a payment to the
 21 Department of Corrections or the department otherwise receives money that is owed as
 22 restitution by an offender who is no longer in the custody or under the supervision of the
 23 department, including, but not limited to, a setoff of a tax refund pursuant to Title 36,
 24 section 185-A, the department shall forward the money to the victim and shall inform the
 25 office of the attorney for the State who prosecuted the case of that action.'

26 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 27 number to read consecutively

28 **SUMMARY**

29 This amendment amends the bill as follows

30 1 It clarifies that a final court order disposing of property pursuant to the criminal
 31 forfeiture law must provide for the deposit of the property, the proceeds from the
 32 disposition of the property and any cash seized or forfeited, less any outstanding restitution
 33 and other enumerated expenses

34 2 It clarifies that after an offender who is required to pay restitution is released and
 35 discharged from the Department of Corrections or completes a period of probation, the
 36 offender is required to make any outstanding restitution payments to the office of the
 37 attorney for the State who prosecuted the offender's case

38 3 It provides a timeline for providing to an offender who is released and discharged
 39 from the Department of Corrections or completes a period of probation and to the office of
 40 the attorney for the State who prosecuted the offender's case written notice regarding
 41 outstanding restitution

42 4 It provides that if an offender who is required to make restitution payments to the
 43 office of the attorney for the State who prosecuted the case instead makes a payment to the
 44 Department of Corrections or the department otherwise receives money that is owed as

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1 restitution by an offender who is no longer in the custody or under the supervision of the
2 department, the department must forward the money to the victim and must inform the
3 office of the attorney for the State who prosecuted the case of that action

4 5 It makes a number of technical corrections

5 **FISCAL NOTE REQUIRED**

6 **(See attached)**



Approved 05/15/23 *mac*

131st MAINE LEGISLATURE

LD 1014

LR 1550(02)

An Act Regarding Payments to Recipients of Restitution

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-311)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Corrections associated with providing a notice to the offender, remitting any restitution received to the victim and informing the attorney who prosecuted the case of the remittance can be absorbed within existing budgeted resources