

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1189

S.P. 485

In Senate, March 14, 2023

An Act to Amend the Burden of Proof for Defendants Who Cannot Pay Criminal Restitution

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BEEBE-CENTER of Knox.
Cosponsored by Senator: DUSON of Cumberland.

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

2 **Sec. 1. 17-A MRSA §2014**, as enacted by PL 2019, c. 113, Pt. A, §2, is amended
3 to read:

4 **§2014. Modification or termination of restitution**

5 A convicted person who establishes by a preponderance of the evidence that the person
6 cannot make restitution payments in the manner ordered by the court or determined by the
7 Department of Corrections pursuant to section 2006 shall move the court for a modification
8 of the time or method of payment or service to avoid a default or for a termination of the
9 restitution. The court may modify its prior order or the determination of the Department
10 of Corrections to reduce the amount of each installment ~~or~~ to allow additional time for
11 payment or service or to otherwise modify or terminate the restitution.

12 **Sec. 2. 17-A MRSA §2015, sub-§3, ¶B**, as enacted by PL 2019, c. 113, Pt. A, §2,
13 is amended to read:

14 B. If it appears that the default is excusable, the court may give the offender additional
15 time for payment ~~or~~ may reduce the amount of each installment or may otherwise
16 modify or terminate the restitution.

17 **SUMMARY**

18 This bill amends provisions in the Maine Revised Statutes regarding criminal
19 restitution by requiring a convicted person to establish by a preponderance of the evidence
20 that the person cannot make restitution in order to move the court to modify the time or
21 method of payment or service of the restitution, and provides an additional remedy of
22 otherwise modifying or terminating the restitution. The bill also allows the court to modify
23 or terminate restitution upon default.