

MAINE STATE LEGISLATURE

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Date 6/12/23 Majority (Filing No H- 468) LD 1512

JUDICIARY

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

COMMITTEE AMENDMENT "A" to HP 967, LD 1512, "An Act to Require Restitution for a Child Whose Parent Is Killed by a Drunk Driver"

Amend the bill by striking out the title and substituting the following

'An Act to Require the Consideration of Restitution to Support a Child Whose Parent Is Killed During the Commission of a Crime'

Amend the bill by striking out everything after the enacting clause and inserting the following

Sec. 1. 17-A MRSA §2002, sub-§3, ¶C, as enacted by PL 2019, c 113, Pt A, §2, is amended to read

C "Dependent's economic loss" means loss after a decedent's death of contributions of things of economic value to the decedent's dependents, not including services they would have received from the decedent if the decedent had not suffered the fatal injury; ~~less expenses of the dependents avoided by reason of decedent's death~~

Sec. 2. 17-A MRSA §2002, sub-§3, ¶D, as enacted by PL 2019, c 113, Pt A, §2, is amended to read

D "Dependent's replacement loss" means loss reasonably incurred by dependents after a decedent's death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if the decedent had not suffered the fatal injury; ~~less expenses of the dependents avoided by reason of the decedent's death and not subtracted in calculating dependent's economic loss~~

Sec. 3. 17-A MRSA §2003, sub-§2, as enacted by PL 2019, c 113, Pt A, §2, is amended to read

2. Reasons for not imposing restitution. In any case where the court determines that restitution should not be imposed in accordance with the criteria set forth in section 2005, the court shall state in open court or in writing the reasons for not imposing restitution, including, in a case involving a defendant convicted of an offense that resulted in the death of a person who is a parent of a minor, by specifically addressing the surviving

COMMITTEE AMENDMENT

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1 dependent's economic loss and dependent's replacement loss and the reasons for not
2 imposing restitution to compensate for those losses '

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

5 **SUMMARY**

6 This amendment, which is the majority report of the committee, strikes and replaces
7 the bill Under the amendment, in a criminal case in which the defendant is convicted of
8 an offense that resulted in the death of a victim who is the parent of a minor and restitution
9 is not ordered, the court must specifically address the economic hardship to the minor and
10 the reasons for not imposing restitution to compensate the minor for that loss It also
11 changes the laws governing restitution to simplify the factors a court must consider when
12 deciding whether to award restitution to the dependents, including any minor children, of
13 a victim who was killed as a result of a crime