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## **An Act To Allow a County Jail To Assess a Surcharge on Bail as a Processing Fee**

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

**Sec. 1. 15 MRSA §1032** is enacted to read:

### **§ 1032. Surcharge on bail as processing fee**

A county jail may assess a surcharge on the bail of a person processed by that county jail as a processing fee as set forth in Title 30-A, section 1510.

**Sec. 2. 30-A MRSA §1661** is enacted to read:

### **§ 1661. Processing fee**

**1. Processing fee.** A person processed by a county jail may be held liable for a processing fee of \$50. The jail may collect a processing fee from money generated by the person from whatever source, including a surcharge on that person's bail, and apply the fee collected to defray the cost of processing the person.

**2. Limitations.** The processing fee under subsection 1 may not be assessed if its imposition creates an excessive financial hardship, as determined by the sheriff, on a dependent of the person against whom the fee is assessed. A payment made for the support of such a dependent that is required by the Department of Health and Human Services may not be used for the processing fee.

**3. Civil action for recovery of expenses.** Notwithstanding this section, a county may bring a civil action in a court of competent jurisdiction to recover the processing fee under subsection 1. The following assets of a person are not subject to judgment under this subsection:

- A. Real property that the person holds in joint ownership;
- B. Assets, earnings or other sources of income that the person holds in joint ownership; and
- C. Income, assets, earnings or other property, both real and personal, owned by the person's spouse or family.

## **SUMMARY**

This bill provides that a person processed by a county jail may be held liable for a processing fee of \$50, which may be in the form of a surcharge on the bail of that person.