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## **An Act To Allow for the Disposition of Certain Items Confiscated from Criminals Convicted of Sexual Exploitation of Minors**

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

**Sec. 1. 17-A MRSA §285, sub-§1**, as enacted by PL 2003, c. 711, Pt. B, §12, is amended to read:

1. ~~Upon~~Within one year subsequent to a finding of guilt of any violation of this chapter, ~~but prior to sentencing~~, an attorney for the State or a representative of a law enforcement agency may, in writing, move the court for an order requiring the forfeiture to the State of any equipment, including ~~computers~~a computer, cellular telephone, personal digital assistant or other electronic device, that may have facilitated the commission of the offense. Notice of the motion must be made by the State to the defendant and any party of interest; this notice must be done by registered mail.

**Sec. 2. 17-A MRSA §285, sub-§4**, as enacted by PL 2003, c. 711, Pt. B, §12, is amended to read:

4. Upon a finding by a preponderance of the evidence that the equipment was used to facilitate the commission of a violation of this chapter, the court shall order the equipment forfeited and may, upon the written recommendation of the attorney for the State or the representative of a law enforcement agency, provide in its order for the disposition or use of the equipment by any state, county or municipal law enforcement agency that made a substantial contribution to the investigation or prosecution of the case. Any equipment forfeited that is not transferred to an investigating or prosecuting agency must be sold and the proceeds deposited in the General Fund.

### **SUMMARY**

This bill amends the law concerning criminal forfeiture of equipment used in the sexual exploitation of minors by extending the period in which a motion may be filed for forfeiture of the equipment, allowing a representative of a law enforcement agency to bring the motion, expanding the list of electronic equipment that may be seized and allowing the representative of a law enforcement agency to recommend to the court the final disposition or use of the forfeited equipment.