



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 102

H.P. 70

House of Representatives, January 17, 2017

**An Act To Make a Person Convicted of a Crime Liable for Payment
of Investigative and Prosecutorial Costs**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative STEWART of Presque Isle.
Cosponsored by Senator ROSEN of Hancock and
Representatives: FREDETTE of Newport, GERRISH of Lebanon, HERRICK of Paris,
JOHANSEN of Monticello, SAMPSON of Alfred, WARD of Dedham.

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

2 **Sec. 1. 17-A MRSA §1301, sub-§7** is enacted to read:

3 7. In addition to any other authorized sentencing alternative, the court shall impose
4 on a person convicted of a crime under this code a fine of an amount equal to the actual
5 costs of investigation and prosecution of the crime for which the person is convicted that
6 have been incurred by the office of the attorney for the State, a law enforcement agency
7 or any other governmental entity that requests payment of such costs.

8 A. Notwithstanding any provision of law to the contrary, the court shall impose a
9 fine under this subsection notwithstanding the financial incapacity of the convicted
10 person to pay the fine.

11 B. The court shall require the convicted person to pay the fine within a specified
12 period of time or in specified installments, consistent with section 1303, except that
13 the end of such period or the last such installment may not be later than:

14 (1) The end of a period of probation, if the sentence imposed by the court on the
15 convicted person includes a term of imprisonment with probation;

16 (2) If the sentence imposed by the court on the convicted person does not include
17 a period of probation, 5 years after the end of the term of imprisonment imposed;
18 or

19 (3) If the sentence imposed by the court does not include a term of
20 imprisonment, and in all other circumstances, 5 years after the date on which the
21 court imposes the sentence on the convicted person.

22 C. The expiration of the period for payment of the fine under paragraph B does not
23 relieve the convicted person of the obligation to pay any unpaid portion of the fine
24 imposed under this subsection.

25 D. If the sentence imposed by the court on the convicted person includes a period of
26 probation, payment of the fine imposed under this subsection must be imposed as a
27 condition of probation in accordance with section 1204.

28 E. The amount of the fine to be imposed under this subsection must be established by
29 the court by a preponderance of the evidence. The burden of demonstrating the
30 amount of the costs incurred by the office of the attorney for the State, a law
31 enforcement agency or any other governmental entity requesting payment of costs is
32 on the attorney for the State. The burden of demonstrating the financial resources
33 and financial needs of the convicted person is on the convicted person.

34 F. Costs for the office of the attorney for the State must be set by the court in all
35 cases at no less than \$50 per case when a Class D or Class E crime is charged and no
36 less than \$100 per case when murder or a Class A, Class B or Class C crime is
37 charged. The court may set a higher amount upon a showing of sufficient proof of
38 higher costs incurred by the office of the attorney for the State.

39 G. Costs recovered under this subsection on behalf of the office of the attorney for
40 the State, a law enforcement agency or other governmental entity must be remitted to
41 the Treasurer of State for disbursement. Costs recovered under this subsection by the

1 office of the attorney for the State, a law enforcement agency or other governmental
2 entity must be used for actual costs incurred in investigating and prosecuting criminal
3 cases, including payment of the salaries of permanent employees.

4 **SUMMARY**

5 This bill amends the Maine Criminal Code to require that a court impose on a person
6 convicted of a crime under the code a fine of an amount equal to the actual costs of
7 investigation and prosecution of the crime for which the person is convicted that have
8 been incurred by the office of the attorney for the State, a law enforcement agency or any
9 other governmental entity that requests payment of such costs. Costs recovered under
10 this provision must be returned to the office of the attorney for the State, a law
11 enforcement agency or governmental entity that incurred the costs and must be used for
12 actual costs incurred by such entities in investigating and prosecuting criminal cases.