

STATE OF MAINE

 IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

 H.P. 249 - L.D. 324

An Act Regarding Forfeiture of Assets of Persons Convicted of Aggravated Sex Trafficking Offenses, Sex Trafficking Offenses, Aggravated Criminal Forced Labor Offenses and Criminal Forced Labor Offenses

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

Sec. 1. 15 MRSA §5821, sub-§7-A, ¶A, as enacted by PL 1999, c. 349, §2, is amended to read:

A. Property may not be forfeited under this subsection, to the extent of the interest of an owner, by reason of an act or omission established by that owner to have been committed or omitted without the knowledge or consent of the owner; ~~and~~

Sec. 2. 15 MRSA §5821, sub-§9, as enacted by PL 2007, c. 684, Pt. C, §2 and affected by Pt. H, §1, is amended to read:

9. Assets in human trafficking offenses. All assets, including money instruments, personal property and real property, used or intended for use in or traceable to a human trafficking offense as defined in Title 5, section 4701, subsection 1, paragraph C;

Sec. 3. 15 MRSA §5821, sub-§§10 and 11 are enacted to read:

10. Assets in sex trafficking offenses. All assets, including money instruments, personal property and real property, used or intended for use in or traceable to an aggravated sex trafficking offense as defined in Title 17-A, section 852 or a sex trafficking offense as defined in Title 17-A, section 853; and

11. Assets in criminal forced labor offenses. All assets, including money instruments, personal property and real property, used or intended for use in or traceable to a criminal forced labor offense as defined in Title 17-A, section 304 or an aggravated criminal forced labor offense as defined in Title 17-A, section 305.

Sec. 4. 15 MRSA §5826, sub-§1, as enacted by PL 1995, c. 421, §1, is amended to read:

1. Property subject to criminal forfeiture. Notwithstanding any other provision of law, a person convicted of a ~~violation of Title 17-A, chapter 45~~ crime that subjects the person to forfeiture of property under section 5821 forfeits to the State all rights, privileges, interests and claims to that property that is subject to forfeiture pursuant to section 5821. All rights, privileges, interest and title in property subject to forfeiture under this section vests in the State upon the commission of the act giving rise to forfeiture pursuant to section 5821.

Sec. 5. 15 MRSA §5826, sub-§2, as amended by PL 2015, c. 431, §33, is further amended to read:

2. Commencement of criminal forfeiture action. Property subject to forfeiture may be proceeded against by indictment of the grand jury or by complaint in the District Court in any related criminal proceeding in which a person with an interest in the property has been simultaneously charged with a ~~violation of Title 17-A, chapter 45~~ crime that subjects the person to forfeiture of property under section 5821. At any time prior to trial, the State, with the consent of the court and any defendant with an interest in the property, may file an ancillary charging instrument or information alleging that property is subject to criminal forfeiture. Discovery in the criminal action must be as provided for by the Maine Rules of Unified Criminal Procedure.

Sec. 6. 15 MRSA §5826, sub-§6, as amended by PL 2017, c. 460, Pt. F, §1, is further amended to read:

6. Final order of disposition of property; public education campaign. Following the entry of a verdict of forfeiture of property pursuant to this section or the entry of a guilty plea in open court on the record and following the court's disposition of all petitions for hearing timely filed by 3rd parties, the State has clear title to property that is the subject of the indictment, information or complaint. The final order must provide for the deposit of the property or the proceeds from the disposition of the property, less the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice, in the General Fund, except that, to the extent that the court finds it reasonable, the court may order forfeiture of as much of the property as is appropriate, less the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice, to a municipality, county or state agency that has made a substantial contribution to the investigation or prosecution of a related criminal case or, upon request of the investigating agency or the prosecuting agency, to a law enforcement agency in this State that provides case management and other social services to persons ~~with substance use disorders~~ affected by crimes that are subject to forfeiture of property under this chapter.