

## STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FOURTEEN

H.P. 1173 - L.D. 1601

**An Act To Increase the Amount of Funds Available to Counties for Witness  
Fees, Extradition Expenses and Prosecution Costs**

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

**Sec. 1. 14 MRSA §3144**, as enacted by PL 1987, c. 414, §2, is amended to read:

**§3144. Criminal failure to appear; cost of extradition**

It is the intent of the Legislature that, when appropriate, the respective district attorney shall utilize Title 17-A, section 17, subsection 4, and prosecute defendants who fail to appear. Any costs of extradition of a defendant who has been charged with the offense of failure to appear ~~shall~~ must be assessed against the defendant and ~~shall be~~ reimbursed to the ~~extradition account~~ Extradition and Prosecution Expenses Account in the appropriate prosecutorial district, established pursuant to Title 15, section 224-A.

**Sec. 2. 15 MRSA §224, sub-§1**, as amended by PL 1983, c. 843, §9, is further amended to read:

**1. Expenses paid from funds allotted to prosecuting attorney.** When a fugitive from justice is returned to the State of Maine for prosecution, expenses incurred ~~which~~ that are necessary and proper for the return ~~shall~~ must be paid out of the funds allotted for that purpose to the district attorney or from the Extradition and Prosecution Expenses Account established by section 224-A. In those cases prosecuted by the Attorney General, the expenses for extradition ~~shall~~ must be paid by the district attorney in whose county the crime is alleged to have been committed. District attorneys may agree to share expenses whenever a fugitive from justice is charged in the State with more than one offense.

**Sec. 3. 15 MRSA §224-A**, as amended by PL 2007, c. 31, §1 and PL 2013, c. 16, §10, is further amended to read:

## **§224-A. Extradition and Prosecution Expenses Account**

**1. Establishment; use.** Notwithstanding any other provision of law, there is established an Extradition and Prosecution Expenses Account in each prosecutorial district in an amount not to exceed ~~\$20,000~~ \$30,000, to be administered by the district attorney and to be used solely for the ~~purpose~~ purposes of paying the expenses of extraditing persons charged with or convicted of a crime in this State and who are fugitives from justice, as defined in section 201, subsection 4, paying fees or expenses of prosecution pursuant to section 1319 and paying witness fees pursuant to section 1320.

**2. Funding.** The Extradition and Prosecution Expenses Account in each prosecutorial district is funded by bail forfeited to and recovered by the State pursuant to the Maine Rules of Criminal Procedure, Rule 46. Whenever bail is so forfeited and recovered by the State and if it is not payable as restitution pursuant to Title 17-A, section 1329, subsection 3-A, the district attorney shall determine whether it or a portion of it is deposited in the Extradition and Prosecution Expenses Account for that district attorney's prosecutorial district, but in no event may the account exceed ~~\$20,000~~ \$30,000. Any bail so forfeited and recovered and not deposited in the Extradition and Prosecution Expenses Account must be deposited in the General Fund. Any unexpended balance in the Extradition and Prosecution Expenses Account of a prosecutorial district established by this section may not lapse but must be carried forward into the next year.

**3. Review by district attorney.** The district attorney shall review monthly the Extradition and Prosecution Expenses Account and the expenses of that prosecutorial district in connection with the extradition of fugitives from justice, prosecution and witnesses and shall determine whether any funds in the account must be transferred to the General Fund.

**4. Audit.** Every district attorney shall have an annual audit made by the Office of the State Auditor or by a certified public accountant selected by the district attorney of the Extradition and Prosecution Expenses Account for ~~his~~ that district attorney's prosecutorial district, covering the last complete fiscal year.

If the auditor finds in the course of ~~his~~ the audit evidence of improper transactions, incompetency in keeping accounts or handling funds, failure to comply with this section or any other improper practice of financial administration, ~~he~~ the auditor shall report ~~the same~~ that finding to the Attorney General immediately.

**5. Advances and accounting for extradition.** The district attorney shall advance funds from the Extradition and Prosecution Expenses Account to the agents designated by ~~him~~ the district attorney to return a fugitive from justice to this State. A full accounting of all expenses and the return of all unused funds ~~shall~~ must be made by the agents no later than 3 business days from the date of return. All funds returned ~~shall~~ must be credited to the Extradition and Prosecution Expenses Account from which they were paid.

**Sec. 4. 15 MRSA §1319**, as enacted by PL 1975, c. 775, §1, is amended to read:

**§1319. Authorization of payments by a prosecuting attorney**

For purposes of this chapter, ~~where~~ when a prosecuting attorney is permitted to authorize payment of fees or expenses incurred on behalf of the State in a criminal prosecution, payment of those fees and expenses ~~shall~~ must be made by the proper authorities to the persons, municipalities or agencies to whom the payment is authorized upon certification to those authorities by the prosecuting attorney or ~~his~~ the prosecuting attorney's designee that the payment is reasonable and necessary to the prosecution of a given criminal case. Payment may be made from the Extradition and Prosecution Expenses Account established in section 224-A.

**Sec. 5. 15 MRSA §1320, sub-§1**, as amended by PL 1977, c. 63, is further amended to read:

**1. Payments.** Payments made ~~hereunder shall~~ under this section must be made first from the Extradition and Prosecution Expenses Account established in section 224-A and, if there are insufficient funds in that account, next from the county treasury upon authorization of the prosecuting attorney, unless otherwise expressly directed by law ~~and the payments shall~~. Payments from the county treasury must be made from the sums set aside in the county budget for the payments on account of Superior Court criminal proceedings.