



129th MAINE LEGISLATURE

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Legislative Document

No. 324

H.P. 249

House of Representatives, January 24, 2019

**An Act Regarding Forfeiture of Assets of Persons Convicted of
Certain Criminal Restraint Offenses, Aggravated Sex Trafficking
Offenses and Sex Trafficking Offenses**

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

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

ROBERT B. HUNT
Clerk

Presented by Representative RECKITT of South Portland.
Cosponsored by Representatives: CARNEY of Cape Elizabeth, PERRY of Calais.

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

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

4 **1. Property subject to criminal forfeiture.** Notwithstanding any other provision of
5 law, a person convicted of a violation of Title 17-A, section 302, subsection 1; section
6 852; section 853; or chapter 45 forfeits to the State all rights, privileges, interests and
7 claims to property that is subject to forfeiture pursuant to section 5821. All rights,
8 privileges, interest and title in property subject to forfeiture under this section vests in the
9 State upon the commission of the act giving rise to forfeiture pursuant to section 5821.

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

12 **2. Commencement of criminal forfeiture action.** Property subject to forfeiture
13 may be proceeded against by indictment of the grand jury or by complaint in the District
14 Court in any related criminal proceeding in which a person with an interest in the
15 property has been simultaneously charged with a violation of Title 17-A, section 302,
16 subsection 1; section 852; section 853; or chapter 45. At any time prior to trial, the State,
17 with the consent of the court and any defendant with an interest in the property, may file
18 an ancillary charging instrument or information alleging that property is subject to
19 criminal forfeiture. Discovery in the criminal action must be as provided for by the
20 Maine Rules of Unified Criminal Procedure.

21 **Sec. 3. 15 MRSA §5826, sub-§7, ¶A**, as enacted by PL 1999, c. 395, §1, is
22 amended to read:

23 A. By clear and convincing evidence that:

24 (1) There was probable cause to support the seizure of the property at the time
25 of its seizure;

26 (2) The interested party has knowledge of the seizure of the property or the
27 property was seized under circumstances in which a reasonable person would
28 have knowledge of the seizure of that person's property; and

29 (3) The interested party has failed to appear for any court appearance in
30 accordance with Title 17-A, section 302, subsection 1; section 852; section 853;
31 or chapter 45 for a violation that forms the basis of the forfeiture, and that a
32 warrant of arrest for the interested party for such failure to appear has been
33 outstanding for 6 months or more; and

34 **SUMMARY**

35 This bill provides for criminal forfeiture of property of a person convicted of certain
36 criminal restraint offenses in violation of the Maine Revised Statutes, Title 17-A, section
37 302, subsection 1; aggravated sex trafficking offenses in violation of Title 17-A, section
38 852; and sex trafficking offenses in violation of Title 17-A, section 853.