

## §1706. Exceptions to maximum fine amounts

Notwithstanding the maximum fine amounts specified in sections 1704 and 1705, a court may impose fines as provided in this section. [PL 2019, c. 113, Pt. A, §2 (NEW).]

**1. Pecuniary gain.** Regardless of the classification of the crime, the court may impose a fine on a convicted person that is in an amount greater than the maximum fine amounts specified in section 1704 for an individual and section 1705 for an organization as long as the fine does not exceed twice the pecuniary gain derived from the crime by the convicted person. The State must plead and prove the amount of money or the value of the property obtained by the person at the time of the commission of the crime. At sentencing, if the court is considering imposing a fine based upon pecuniary gain, it shall hold a hearing in order to determine the pecuniary gain. At the hearing the court shall determine whether any money or property was returned to the victim of the crime or was seized by or surrendered to a lawful authority prior to the time of sentencing, and shall determine the value of any such property. If the court finds that money or property was returned, seized or surrendered, the court shall reduce the pecuniary gain pleaded and proved by the State by the amount of money or the value of property returned, seized or surrendered in order to arrive at the net amount of pecuniary gain upon which a fine may be based pursuant to this subsection. If the court determines that no money or property was returned, seized or surrendered, the court shall base the fine on the amount pleaded and proved by the State.

As used in this subsection, "pecuniary gain" means the amount of money or the value of property at the time of the commission of the crime derived by the person from the commission of the crime. [PL 2019, c. 113, Pt. A, §2 (NEW).]

**2. Fine based on quantity of item illegally possessed by convicted person.** Whenever a statute makes the possession of a particular item, whether animate or inanimate, a criminal offense and provides that the amount of the fine depends upon the quantity of the item possessed by the person, if the State pleads and proves the quantity of the item possessed by the person, the fine is as provided for in the statute and is not subject to the maximum limits placed on fines by sections 1704 and 1705. [PL 2019, c. 113, Pt. A, §2 (NEW).]

**3. Fine based on value of scheduled drug at time of offense.** Whenever a statute authorizes that the amount of the fine for a specific drug offense be based on the value of the scheduled drug at the time of the offense upon which the conviction is based, if the State pleads and proves the value of the scheduled drug at the time of the offense, the fine may be as provided for in the statute and is not subject to the maximum limits placed on fines by sections 1704 and 1705. [PL 2019, c. 113, Pt. A, §2 (NEW).]

### SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

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