

**§1702. Criteria for imposing sentencing alternative that includes fine**

**1. Consideration of financial capacity to pay and financial burden.** In determining the amount of a fine, unless the fine amount is mandatory, and in determining the method of payment of a fine, the court shall take into account the present and future financial capacity of the convicted person to pay the fine and the nature of the financial burden that payment of the fine will impose on the person or a dependent, if any, of the person.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

**2. Burden of proving financial hardship or incapacity to pay.** A convicted person who asserts a present or future incapacity to pay a fine or asserts that the fine will cause an excessive financial hardship on the person or on a dependent of the person has the burden of proving the incapacity or excessive hardship by a preponderance of the evidence. On appeal of a sentencing alternative involving a fine, the person has the burden of demonstrating that the incapacity or excessive financial hardship was proven as a matter of law.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

**SECTION HISTORY**

PL 2019, c. 113, Pt. A, §2 (NEW).

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