

**§1126. Special sentencing provisions regarding fines for certain drug offenses**

**1. Fine based on value of scheduled drugs at time of offense.** As authorized by section 1706, subsection 3, if the State pleads and proves the value at the time of the commission of a crime of a scheduled drug that is the basis for a conviction under section 1103, 1105-A, 1105-B, 1105-C, 1105-D, 1106 or 1107-A, the convicted person may be sentenced to pay a fine in an amount up to the value, as pleaded and proved by the State, of that scheduled drug.  
[PL 2019, c. 113, Pt. B, §17 (NEW).]

**2. Mandatory minimum fine barring court finding exceptional circumstances.** In addition to any other authorized sentencing alternative specified in section 1502, subsection 2 for individuals or section 1502, subsection 7 for organizations, the court shall impose a minimum fine of \$400, none of which may be suspended, except as provided in subsection 3, for an individual convicted of a crime under section 1103; 1104; 1105-A; 1105-B; 1105-C; 1105-D; 1106; 1107-A; 1108; 1109; 1111-A, subsection 4-A; 1116; 1117; or 1118.  
[PL 2021, c. 434, §9 (AMD).]

**3. Finding by court necessary to impose other than minimum fine.** In the case of an individual, the court may suspend all or a portion of a minimum fine under subsection 2 or impose a fine less than the minimum fine specified in subsection 2 if the court finds by a preponderance of the evidence that there are exceptional circumstances that justify imposition of a lesser financial penalty. In making a finding of exceptional circumstances, the court may consider:

A. Reliable evidence of financial hardship on the part of the individual and the individual's family and dependents; [PL 2019, c. 113, Pt. B, §17 (NEW).]

B. Reliable evidence of special needs of the individual or the individual's family and dependents; [PL 2019, c. 113, Pt. B, §17 (NEW).]

C. Reliable evidence of the individual's income and future earning capacity and the individual's assets and financial resources from whatever source; [PL 2019, c. 113, Pt. B, §17 (NEW).]

D. Reliable evidence regarding any pecuniary gain derived from the commission of the offense; and [PL 2019, c. 113, Pt. B, §17 (NEW).]

E. The impact of imposition of the mandatory fine on the individual's reasonable ability to pay restitution under chapter 69. [PL 2019, c. 113, Pt. B, §17 (NEW).]

[PL 2019, c. 113, Pt. B, §17 (NEW).]

**SECTION HISTORY**

PL 2019, c. 113, Pt. B, §17 (NEW). PL 2021, c. 434, §9 (AMD).

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