

Department of Planning and Budget 2017 Fiscal Impact Statement

1. **Bill Number:** SB1284ER

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Obenshain

3. **Committee:** Passed Both Houses

4. **Title:** Restitution; form order, enforcement, noncompliance; etc.

5. **Summary:** Makes numerous changes related to the repayment of court-ordered restitution, including: (i) requiring the court to enter the amount of restitution and the terms and conditions of repayment on a form prescribed by the Office of the Executive Secretary of the Supreme Court; (ii) providing that docketing an order of restitution as a civil judgment does not prohibit the court from enforcing such order by any other available means; (iii) requiring the clerk of every circuit and district court to submit quarterly reports to the attorney for the Commonwealth and the local probation agency listing (a) all defendants with outstanding balances of court-ordered restitution and (b) all accounts where more than 90 days have passed since such account was sent to collections and no payments have been made; and (vi) removing the court's authority to impose a fine not to exceed \$500 for a defendant's nonpayment of court-ordered fines, costs, restitution, forfeiture, or penalties after the defendant has entered into an installment or deferred payment agreement. The bill provides that a copy of the form shall be provided to the attorney for the Commonwealth and to the victim, his agent, or his estate upon request and free of charge.

This bill is a recommendation of the Virginia State Crime Commission.

6. **Budget Amendment Necessary:** No

7. **Fiscal Impact Estimates:** Final (see Item #8)

8. **Fiscal Implications:** According to the Office of the Executive Secretary of the Supreme Court, the requirements of the proposed bill are not expected to have a material fiscal impact on court system resources.

Commonwealth's Attorneys (CA's) are responsible for the collection of delinquent restitution payments. Some CA's use in-house programs to collect delinquent accounts whereas other CA's contract with private agents, local treasurers or the Department of Taxation (TAX) for assistance. One provision of the bill would require district and circuit court clerks to submit quarterly reports to CA's and the probation agency that serves such county or city that include the balances for all defendants with outstanding balances of court-ordered restitution and a

list of all accounts in collection status that are more than 90 days past due and have had no payment activity. The impact of this requirement on clerk's offices is unknown.

9. Specific Agency or Political Subdivisions Affected: Courts, Commonwealth's Attorneys, District Court clerks and Circuit Court clerks

10. Technical Amendment Necessary: No

11. Other Comments: None