

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: HB 485

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

2. Patron: Bell, Robert B.

3. Committee: House Courts of Justice

4. Title: Restitution

5. Summary:

Currently, after conviction for a criminal offense, the court may suspend the sentence, in whole or in part, and may place the offender on probation under such conditions the court determines. One of the conditions that may be imposed is the payment of restitution by the offender to any aggrieved parties for damage or loss caused by the offense committed. Circuit and district court clerks are required to submit quarterly to the attorney for the Commonwealth and any probation agency that serves the courts for the county and city a list of offenders with an outstanding balance of restitution, showing the total amount of restitution ordered, amount remaining due, and the last date of payment.

For an offender whom the court has placed on supervised probation and ordered the probation agency to monitor the offender's payment of restitution, the proposed legislation would require the probation agency to notify the court and the attorney for the Commonwealth of any restitution that remained unsatisfied, along with the offender's payment history, 30 days prior to the offender's release from supervision. Furthermore, if the probation agency requests the court to remove an offender from supervision prior to the completion of the term ordered by the court, it must include the amount of any unpaid restitution and the offender's payment history in its request.

In a situation in which a court has ordered the payment of restitution and no probation agency has been ordered to monitor the defendant's payment, if any restitution remains unsatisfied on the date upon which restitution was to be paid in full, the court would be required to schedule a hearing within 90 days of such date for the purpose of reviewing the offender's noncompliance with the order.

6. Budget Amendment Necessary: None.

7. Fiscal Impact Estimates: Preliminary. See Item 8.

8. Fiscal Implications:

Because the court clerks are required to keep probation agencies apprised of the status of a probationer's restitution status, it is not expected that this legislation would have a material fiscal impact on state or local probation agencies.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections

Local probation offices

Circuit and district courts

10. Technical Amendment Necessary: None.

11. Other Comments: None.