

## **Department of Planning and Budget**

### **2018 Fiscal Impact Statement**

**1. Bill Number:** SB562-ES1

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Obenshain

**3. Committee:** Finance

**4. Title:** Restitution; collection; Criminal Injuries Compensation Fund

**5. Summary:** Adds to the duties of the Virginia Workers' Compensation Commission (VWC) in its role as administrator of the Criminal Injuries Compensation Fund (Fund), the collection and disbursement of unclaimed restitution. The VWC shall also be responsible for the development, in consultation with circuit court clerks and the Office of the Executive Secretary of the Supreme Court, of policies and procedures for the receipt, collection, and disbursement of unclaimed restitution to victims of crime. The bill also includes additional reporting requirements for the VWC and Office of the Executive Secretary of the Supreme Court.

The bill provides that clerks shall deposit into the Fund, by November 1 of each year, restitution collected for victims who can no longer be identified or located. If the clerk does not have any such restitution to deposit, the clerk shall provide a statement to that effect to the Fund by November 1 of each year.

The bill requires that clerks record the receipt of restitution payments in an automated information system operated and maintained by the Supreme Court or such other system established and maintained by a circuit court clerk and that the restitution form used by the court include the victim's contact information, including address, telephone number, and email address.

**6. Budget Amendment Necessary:** No.

**7. No Fiscal Impact:** See Item 8.

**8. Fiscal Implications:** The proposed legislation is not expected to have a state fiscal impact. The previous fiscal impact statements indicated that the VWC would need to hire two full-time employees because the Virginia Workers' Compensation Commission (VWC) was required to conduct location and identification searches of victims for whom restitution owed to has been deposited into the Criminal Injuries Compensation Fund (CICF). The proposed legislation, as engrossed, does not require the VWC to conduct location and identification searches of victims for whom restitution owed to has been deposited into the CICF.

The proposed legislation requires the VWC to include in its annual report, a detailed section on all unclaimed restitution collected and disbursed to the victim from the CICF. The VWC is also required to collect and disburse unclaimed restitution and to develop, in consultation with circuit court clerks and the Office of the Executive Secretary of the Supreme Court, policies and procedures for the receipt, collection, and disbursement of unclaimed restitution to victims of crime. Any resources needed to carry out these additional responsibilities are expected to be absorbed by the VWC within its current appropriation and staff.

The proposed legislation requires the clerks to record the receipt of restitution payments in an automated financial system operated and maintained by the Executive Secretary of the Supreme Court. The Office of the Executive Secretary of the Supreme Court is also required to submit an annual report on the total restitution assessed, collected, and unpaid for each circuit and district court and the total of restitution collected and deposited into the CICF to the Governor, General Assembly, Chairmen of the House and Senate Courts of Justice Committees, and Virginia State Crime Commission. The Supreme Court has not indicated that the proposed legislation would result in a fiscal impact for the agency.

- 9. Specific Agency or Political Subdivisions Affected:** Virginia Workers' Compensation Commission, Supreme Court, circuit and district courts, Virginia Senate, and Virginia House of Delegates.

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** This bill is similar to House Bill 483-H1 (Bell, Robert B.). House Bill 483-H1 requires the VWC to conduct location and identification searches of victims for whom restitution owed to has been deposited into the CICF and to acquire information from Commonwealth attorneys, Virginia State Police, local police departments, and sheriffs' department information to assist in the identification and location of crime victims.