

## Department of Planning and Budget

### 2017 Fiscal Impact Statement

**1. Bill Number:** HB1855S1

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

**2. Patron:** Bell, Robert B.

**3. Committee:** Senate Committee for Courts of Justice

**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, including the date by which all restitution must be paid, 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 any probation agency that serves such county or city 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. This bill is a recommendation of the Virginia State Crime Commission.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Preliminary (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 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.

Under current law, a person may be fined or jailed for nonpayment of fines. The proposed bill removes the current option that a person may be fined upon his failure to pay court ordered

costs, a fine, costs, forfeiture, restitution or penalties or restitutions in installments or upon other terms and conditions.

The number of individuals who may be held in jail for nonpayment may increase, however, there is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Ultimately, the presiding judge will decide if there is to be any time served in jail not to exceed 60 days.

The legislation may result in less revenue for the Literary Fund, to which fines are deposited. However, it is not feasible to reliably estimate the impact to the Literary Fund.

- 9. Specific Agency or Political Subdivisions Affected:** Courts, Commonwealth's Attorneys, District Court clerks and Circuit Court clerks, Compensation Board, Local and Regional Jails.

**10. Technical Amendment Necessary:** No

**11. Other Comments:** Same as SB1284