

## **Department of Planning and Budget 2017 Fiscal Impact Statement**

**1. Bill Number: HB 2338**

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

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

**3. Committee: House Courts of Justice**

**4. Title: Restitution, priority of payments**

**5. Summary:**

As a part of the sentence for committing a criminal offense, an offender is required to pay certain costs and fees. In addition, the court may assess a fine and is required by law to order the offender to pay full or partial restitution to victims of the offense for any damage or injury caused. If the offender cannot pay the ordered amounts in full immediately, the court is required to establish a reasonable payment plan.

Another provision of law makes payment of fines, fees, costs, and restitution by the offender a condition of participation in a work release, home electronic monitoring release, or non-consecutive days program. The statute directs the director of the Department of Corrections, sheriff, or regional jail administrator to apply a portion of any earnings of an inmate to the payment of fines, costs, fees, and restitution owed by the offender.

The proposed legislation would direct that any money collected from an offender shall be distributed first to satisfying any restitution order.

**6. Budget Amendment Necessary: None.**

**7. Fiscal Impact Estimates: Indeterminate. See Item 8 below.**

**8. Fiscal Implications:**

Revenue from assessment of court costs against persons convicted of crimes is deposited into the general fund. Fines are deposited into the Literary Fund. In addition, various fees are required by law to be assessed and the revenue is deposited into a large number of special funds that support specified programs. By requiring restitution to be satisfied ahead of costs, fines, and fees, the proposed legislation could delay any payments toward those other requirements and result in a reduction in the near-term in the revenue collected for the general fund, Literary Fund, and the various special funds supported by the fees. However, there is not sufficient information available to enable a projection of such reductions.

**9. Specific Agency or Political Subdivisions Affected:**

Department of Corrections  
Local and regional jails  
Clerks of circuit and district courts

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.

**Date:** 1/23/2017