

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number:** HB483-S1

<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:** Conference

**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 regarding such restitution.

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 financial management 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. Fiscal Impact Estimates:** See Item 8.

**8. Fiscal Implications:** The proposed legislation is not expected to have a state fiscal impact. Previous fiscal impact statements indicated that the Virginia Workers' Compensation Commission (VWC) would need to hire two full-time employees because the 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 substitute, HB483-S1, does not require the VWC to conduct location and identification

searches of victims for whom restitution owed to has been deposited into the CICF and therefore is not expected to have a state fiscal impact.

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. The VWC expected to be able to fulfill the requirements of the bill within its current resources.

The proposed legislation requires the clerks to record the receipt of restitution payments in an automated financial management system operated and maintained by the Executive Secretary of the Supreme Court or other such system established and maintained by a circuit court clerk. 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. Based on the best available information from the Office of the Executive Secretary of the Supreme Court, the substitute bill does not have a material fiscal impact on agency operations.

According to the Compensation Board, the substitute bill is also not expected to have a material fiscal impact on circuit court clerks.

- 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 a companion to Senate Bill 562-ES1 (Obenshain).