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SENATE JOINT RESOLUTION NO. 229

Offered January 11, 2023

Prefiled December 22, 2022

Directing the Virginia State Crime Commission to study juvenile restitution. Report.

Patrons—Favola; Delegate: Kory

Referred to Committee on Rules

WHEREAS, victims of crime are accorded the right to restitution under the Code of Virginia and by the Constitution of Virginia; and

WHEREAS, juveniles may be ordered to pay restitution for criminal offenses and are required to pay at least partial restitution or reparation for certain criminal offenses; and

WHEREAS, the Code of Virginia does not establish a statutory cap on the amount of restitution that a juvenile may be ordered to pay, require a court to consider a juvenile's ability to pay in setting restitution, or authorize a court to order restitution against a parent; and

WHEREAS, unpaid restitution may result in extending a juvenile's probation or a juvenile's placement in detention or commitment if detention or commitment is a possible disposition for the underlying offense; and

WHEREAS, large restitution amounts are impossible for most youth to pay, and restitution can indebt juveniles, hindering their journey toward a brighter future if they have to choose between working to pay restitution or studying and engaging in extracurricular activities; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia State Crime Commission be directed to study juvenile restitution. In conducting its study, the Virginia State Crime Commission (the Commission) shall evaluate (i) the frequency of court-ordered juvenile restitution in the Commonwealth; (ii) the average amount of restitution ordered; (iii) the percentage of juveniles who pay court-ordered restitution in full; (iv) the percentage of juveniles penalized for failure to pay restitution; (v) the percentage of victims completely compensated with restitution; and (vi) the demographics of juveniles ordered to pay restitution, including age, race, prior criminal history, and familial socioeconomic status. The Commission shall provide recommendations to make the juvenile restitution process more rehabilitative from the perspective of the juvenile while ensuring that victims of crime are compensated.

Technical assistance shall be provided to the Commission by the Office of the Attorney General, the Office of the Executive Secretary of the Virginia Supreme Court, and the Virginia Workers' Compensation Commission. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its meetings and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than November 30, 2023. The executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website. The Commission shall report its findings, conclusions, and recommendations to the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice.

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