

## **Act No. 126 (H.795). Crimes and criminal procedures; restitution; victim's compensation**

### **An act relating to victim's compensation and restitution procedures**

This act enhances the procedures for compensating crime victims and collecting restitution as recommended by the Study Committee on Future Funding for the Vermont Center for Crime Victims Services. The act: (1) allows the Restitution Unit to access information from the National Criminal Information Center; (2) requires the Restitution Unit to keep offender Social Security numbers on a separate form that is kept confidential and exempt from public inspection; (3) allows the Unit to investigate and verify all losses subject to a restitution judgment order and, when appropriate, revise the amount and submit a revised restitution order to the Court; (4) repeals a provision that prohibited the Unit from reporting payment histories to credit reporting agencies with respect to offenders who are incarcerated; (5) allows the Unit to obtain a credit report on an offender if it gives notice to the offender of its intent; (6) authorizes the Unit to contract with sheriff's departments, law enforcement agencies, and other investigators to locate offenders and enforce restitution orders; (7) permits the Unit to recoup the costs it incurs enforcing a restitution order, including attorney's fees; (8) reduces the amount that can be advanced from the Restitution Special Fund from \$10,000.00 to \$5,000.00; (9) requires a victim to seek reimbursement for crime-related losses from the Victim Compensation Program before obtaining an advance from the Restitution Special Fund; (10) prohibits advances from the Restitution Special Fund for jewelry and precious metals compensation and allows the Unit to adopt rules to define other luxury items and collectibles that will not be advanced from the Fund; (11) clarifies the process for enforcing the Criminal Division's restitution judgment order in the Civil Division of the Superior Court; and (12) allows the Victim Compensation Program to reduce from 70 percent to 50 percent the percentage it pays on billed charges to health care facilities for rape exams and medical compensation claims during fiscal year 2015.

The act also permits a person to recover compensation from the State if the person has been convicted and imprisoned for a crime and later exonerated on the basis of being found actually innocent by clear and convincing evidence. Existing law only permits compensation if the person is exonerated on the basis of DNA evidence by a preponderance of the evidence.

Effective Date: July 1, 2014