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H.677

Introduced by Representatives Grad of Moretown and Morris of Bennington

Referred to Committee on

Date:

Subject: Crime victims; restitution

Statement of purpose of bill as introduced: This bill proposes to expand the  
Restitution Unit's authority to recover funds.

An act relating to the Restitution Unit

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 13 V.S.A. § 7043(n) is amended to read:~~

~~(n)(1) Any monies owed by the State to an offender who is under a  
restitution order, including lottery winnings, unclaimed property, and tax  
refunds, shall be used to discharge the restitution order to the full extent of the  
unpaid total financial losses, regardless of the payment schedule established by  
the Courts.~~

~~(2) The Restitution Unit may request from the Office of the Treasurer  
the names and Social Security or federal identification numbers of owners of  
unclaimed property prior to notice being given to such persons pursuant to  
27 V.S.A. § 1249. If any such owner owes restitution, the Restitution Unit,  
after notice to the owner, may request and the Treasurer shall transfer the~~

1 ~~abandoned property of such owner to the Restitution Unit to be applied to the~~  
2 amount of restitution owed. The notice shall advise the owner of the action  
3 being taken and the right to appeal the setoff if he or she is not the person  
4 liable under the Restituion Judgment Order; or if the underlying conviction  
5 was vacated or is under appeal.

6 (3) When an offender is entitled to a tax refund, any restitution owed  
7 by the offender shall be withheld from the refund pursuant to 32 V.S.A.  
8 chapter 151, subchapter 12.

9 (3)(4)(A) For all Vermont lottery games, the Lottery Commission shall,  
10 before issuing prize money of \$500.00 or more to a winner, determine whether  
11 the winner has an outstanding restitution order. If the winner owes restitution,  
12 the Lottery Commission shall withhold the entire amount of restitution owed  
13 and pay it to the Restitution Unit. The remainder of the winnings, if any, shall  
14 be sent to the winner. The winner shall be notified by the Restitution Unit of  
15 the offset prior to payment to the victim and given a period not to exceed  
16 20 days to contest the accuracy of the information.

17 (B) The Restitution Unit shall inform the Lottery Commission of  
18 persons with outstanding restitution orders upon request. Each person subject  
19 to such an order shall be identified by name, address, and Social Security  
20 number.

1 ~~(C) If a lottery winner has an outstanding restitution order and an~~  
2 ~~outstanding child support order, the lottery winnings shall be offset first~~  
3 ~~pursuant to 15 V.S.A. § 792 by the amount of child support owed, and second~~  
4 ~~pursuant to this subsection by the amount of restitution owed. The remainder~~  
5 ~~of the winnings, if any, shall be sent to the winner.~~

6 ~~(4)(5) Unless otherwise provided, monies paid under this subsection~~  
7 ~~shall be paid directly to the Restitution Unit.~~

8 Sec. 2. EFFECTIVE DATE

9 ~~This act shall take effect on July 1, 2016.~~

*Sec. 1. 13 V.S.A. § 7043(n) is amended to read:*

*(n)(1) Any monies owed by the State to an offender who is under a restitution order, including lottery winnings, unclaimed property, and tax refunds, shall be used to discharge the restitution order to the full extent of the unpaid total financial losses, regardless of the payment schedule established by the Courts.*

*(2) The Restitution Unit may request from the Office of the Treasurer the names and Social Security or federal identification numbers of owners of unclaimed property prior to notice being given to such persons pursuant to 27 V.S.A. § 1249. If any such owner owes restitution, the Restitution Unit, after notice to the owner, may request and the Treasurer shall transfer the unclaimed property of such owner to the Restitution Unit to be applied to the*

~~amount of restitution owed. The notice shall advise the owner of the action being taken and the right to appeal the setoff if he or she is not the person liable under the Restitution Judgment Order; or if the underlying conviction was vacated or is under appeal.~~

~~(3) When an offender is entitled to a tax refund, any restitution owed by the offender shall be withheld from the refund pursuant to 32 V.S.A. chapter 151, subchapter 12.~~

~~(3)(4)(A) For all Vermont lottery games, the Lottery Commission shall, before issuing prize money of \$500.00 or more to a winner, determine whether the winner has an outstanding restitution order. If the winner owes restitution, the Lottery Commission shall withhold the entire amount of restitution owed and pay it to the Restitution Unit. The remainder of the winnings, if any, shall be sent to the winner. The winner shall be notified by the Restitution Unit of the offset prior to payment to the victim and given a period not to exceed 20 days to contest the accuracy of the information.~~

~~(B) The Restitution Unit shall inform the Lottery Commission of persons with outstanding restitution orders upon request. Each person subject to such an order shall be identified by name, address, and Social Security number.~~

~~(C) If a lottery winner has an outstanding restitution order and an outstanding child support order, the lottery winnings shall be offset first~~

~~pursuant to 15 V.S.A. § 792 by the amount of child support owed, and second  
pursuant to this subsection by the amount of restitution owed. The remainder  
of the winnings, if any, shall be sent to the winner.~~

~~(4)(5) Unless otherwise provided, monies paid under this subsection  
shall be paid directly to the Restitution Unit.~~

*Sec. 2. EFFECTIVE DATE*

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*(n)(1) Any monies owed by the State to an offender who is under a  
restitution order, including lottery winnings, unclaimed property, and tax  
refunds, shall be used to discharge the restitution order to the full extent of the  
unpaid total financial losses, regardless of the payment schedule established  
by the Courts.*

*(2) The Office of the Treasurer shall, prior to delivery or payment of  
unclaimed property valued at \$50.00 or more to a claimant pursuant to  
27 V.S.A. § 1255, determine whether the claimant has an outstanding  
restitution order.*

*(A) The Restitution Unit shall inform the Treasurer of persons with  
outstanding restitution orders. Each person subject to such an order shall be  
identified by name and Social Security or federal identification number.*

(B) If any such claimant owes restitution, the Restitution Unit, after notice to the owner, may request and the Treasurer shall transfer unclaimed property of such owner valued at \$50.00 or more to the Restitution Unit to be applied to the amount of restitution owed. The notice shall advise the owner of the action being taken and, if he or she is not the person liable under the Restitution Judgment Order, the right to appeal the setoff; or advise the owner if the underlying conviction was vacated or is under appeal.

(3) When an offender is entitled to a tax refund, any restitution owed by the offender shall be withheld from the refund pursuant to 32 V.S.A. chapter 151, subchapter 12.

~~(3)~~(4)(A) For all Vermont lottery games, the Lottery Commission shall, before issuing prize money of \$500.00 or more to a winner, determine whether the winner has an outstanding restitution order. If the winner owes restitution, the Lottery Commission shall withhold the entire amount of restitution owed and pay it to the Restitution Unit. The remainder of the winnings, if any, shall be sent to the winner. The winner shall be notified by the Restitution Unit of the offset prior to payment to the victim and given a period not to exceed 20 days to contest the accuracy of the information.

(B) The Restitution Unit shall inform the Lottery Commission of persons with outstanding restitution orders upon request. Each person subject

*to such an order shall be identified by name, address, and Social Security number.*

*(C) If a lottery winner has an outstanding restitution order and an outstanding child support order, the lottery winnings shall be offset first pursuant to 15 V.S.A. § 792 by the amount of child support owed, and second pursuant to this subsection by the amount of restitution owed. The remainder of the winnings, if any, shall be sent to the winner.*

*~~(4)~~(5) Unless otherwise provided, monies paid under this subsection shall be paid directly to the Restitution Unit.*

*Sec. 2. EFFECTIVE DATE*

*This act shall take effect on July 1, 2016.*