

House Judiciary
S. 6 Technical Corrections Bill
2/6/15

Testimony by Judy Rex, Director, VT Center for Crime Victim Services

Act No. 126: An Act relating to victim compensation and restitution procedures (H.795)

Act 126 had the following language for the effective date: This act shall take effect on July 1, 2014 and shall apply to restitution orders issued after that date.

S.6 would amend this language to read as follows: This act shall take effect on July 1, 2014 and shall apply to restitution orders issued after that date; provided, however, that notwithstanding 1 V.S.A. § 214, Secs. 1, 3, 4, 5, and 6 shall also apply retroactively to restitution orders issued on or before July 1, 2014.

The original language would have required the Restitution Unit to treat restitution judgment orders issued prior to 7/1/14 differently from orders issued after 7/1/14 which administratively would be difficult and after consulting with the Judiciary was not deemed necessary.

The following provisions will be applied retroactively to all restitution judgment orders:

The RU will be able to access information from the National Criminal Information Center in order to find offenders who owe restitution.

The RU will be designated as a law enforcement agency so they can request and obtain information needed to identify or locate a person owing restitution.

All SS #s on Restitution Orders will be protected.

Obtain offenders' credit reports from credit reporting agencies after giving notice to the offender of the Unit's intent to obtain the report.

Contract with a sheriff for the purpose of serving process and investigating and locating offenders who owe restitution.

Collect from an offender all fees and costs incurred by the Unit as a result of enforcing the order.

Allows the RU to bring an action on a form approved by the Court Administrator to enforce a restitution judgment order issued by the Criminal Division in the Civil Division of the Superior Court.

Upon filing a motion for financial disclosure, the Court may order the offender to appear at the hearing and disclose assets and liabilities.

If the Court finds the offender has the ability to pay and willfully refuses, the offender may be subject to civil contempt proceedings.