

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 677
3 entitled “An act relating to the Restitution Unit” respectfully reports that it has
4 considered the same and recommends that the bill be amended by striking out
5 all after the enacting clause and inserting in lieu thereof the following:

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

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

12 (2) The Restitution Unit may request from the Office of the Treasurer
13 the names and Social Security or federal identification numbers of owners of
14 unclaimed property prior to notice being given to such persons pursuant to
15 27 V.S.A. § 1249. If any such owner owes restitution, the Restitution Unit,
16 after notice to the owner, may request and the Treasurer shall transfer the
17 unclaimed property of such owner to the Restitution Unit to be applied to the
18 amount of restitution owed. The notice shall advise the owner of the action
19 being taken and the right to appeal the setoff if he or she is not the person
20 liable under the Restituion Judgment Order; or if the underlying conviction
21 was vacated or is under appeal.

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

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

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

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

1 ~~(4)~~(5) Unless otherwise provided, monies paid under this subsection
2 shall be paid directly to the Restitution Unit.

3 Sec. 2. EFFECTIVE DATE

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

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11 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE