



Testimony on H.677
An Act Relating to the Restitution Unit (Unclaimed Property)
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Thank you for considering this legislation and for taking the time to hear from the Center on this issue.

This proposal concerns the Center's Restitution Unit, which manages Vermont's restitution system.¹ The Restitution Unit processes final restitution judgment orders issued by the court, works with victims to advance any amounts from the Restitution Special Fund to which they are entitled, and then collects restitution payments from offenders on behalf of victims and the Fund. In FY15, Vermont courts ordered offenders to pay a total of \$1,563,279 in restitution, \$386,865 of which was advanced to victims from the Restitution Special Fund. As of January 7, 2016, the Restitution Unit had already collected \$195,324 of the total amounts ordered in FY15.

Currently, the Restitution Unit deploys a six-member collections staff to pursue unpaid balances. Collections Case Managers periodically contact offenders by phone to establish payments plans and encourage offenders who are able to pay to work towards paying their balances in full. Occasionally, cases are referred to outside legal counsel for enforcement in the Civil Division.

Under existing law, the Restitution Unit may seek "[a]ny monies owed by the state to an offender who is under a restitution order, including lottery winnings and tax refunds," and use those amounts "to discharge the restitution order to the full extent of the unpaid total financial losses[.]" 13 V.S.A. § 7043(n)(1). The

¹ Under 13 V.S.A. § 7043(a)(1), "[r]estitution shall be considered in every case in which a victim of a crime, as defined in subdivision 5301(4) of this title, has suffered a material loss."

Center has promulgated rules (Code of Vermont Rules 80-220-002) that govern setoff procedures and establish a mechanism for prior written notice to offenders and a right to seek administrative review prior to disbursement.

H.677 would allow the Restitution Unit to obtain any unclaimed property held by the Treasurer's Office on the offender's behalf to help satisfy the offender's unpaid restitution judgment order(s). The Vermont Department of Taxes and the Vermont Office of Child Support already use this mechanism to satisfy outstanding balances. *See, e.g.* 32 V.S.A. § 3113a (authorizing Vermont Department of Taxes to satisfy unpaid taxes through unclaimed property setoff). Ultimately, this provision would add another collection tool to the Restitution Unit's existing authority, and in doing so, will help maintain the health of the Restitution Special Fund and ensure that victims receive the full amount of restitution they are owed as soon as possible.

Thank you again for considering this bill.