



Testimony on H.571
An Act Relating to Driver's License Suspensions
Senate Committee on Judiciary
March 30, 2016

Cara Cookson
Policy Director and Victim Assistance Program Coordinator
Vermont Center for Crime Victim Services

The purpose of the Center's testimony on H.571 is to provide information on the Special Funds that may be impacted by Section 2 (Statewide Driver Restoration) and to suggest some minor changes to ensure that longstanding programs for crime victims and domestic violence prevention are not impacted.

Current Law: Surcharges

- 2013-2016 Surcharge: **\$47.00 total**--**\$29.75** to Victims Compensation Special Fund; **\$10.00** to Domestic and Sexual Violence Special Fund; **\$7.25** to General Fund. See 13 V.S.A. § 7282.
 - *Surcharge amount varies according to the date of the violation (starting with \$5.00 in 1990) and increases over the years with corresponding decreases in General Fund appropriations*
- Additional **15% surcharge** on fine amount(2003-current) to Victims Restitution Special Fund
- Judiciary receives **\$12.50 from the fine itself** for the Court Technology Special Fund, as an administrative charge

Where does the money go?

The Victims Compensation Special Fund and the Victims Restitution Special Fund are the only sources of state revenue for VCCVS operations. Both funds also provide direct assistance to eligible crime victims to help them recover financially and get medical and counseling assistance. The Center also administers the Domestic and Sexual Violence Special Fund (DV/SV Fund), which is sub-granted to community programs throughout the state.

Victims Compensation Special Fund (13 V.S.A. § 5359)

- **\$2,076,677** from main surcharge in FY15¹
- Funds VCCVS operations, Victims Compensation Program (up to \$10k for uninsured crime-related losses), and Victim Assistance Program (State’s Attorney Victim Advocates)
- The federal government reimburses 60% of amounts paid to victims. Offenders may be ordered to pay restitution to the Victims Compensation Program to recoup amounts initially paid out to the victim.

Crime Victims Restitution Special Fund (13 V.S.A. § 5363)

- **\$1,276,395** from 15% surcharge (civil and criminal) in FY15
- Funds Restitution Unit operations and provides restitution advancements to non-business crime victims for eligible losses, so that victims do not have to wait for the offender to pay.

Domestic and Sexual Violence Special Fund (13 V.S.A. § 5363)

- **\$683,398** from main surcharge in FY15
- Funds prevention programs and emergency economic and legal support for victims of domestic and sexual violence across the state, as well as the Vermont Council on Domestic Violence and the DV trainer position at the Vermont Police Academy
- \$20 from marriage licenses also support this fund, which is budgeted for a total of \$837,910 in FY16 and has a projected end-of-year deficit of \$39,796

Anecdotally, a review of our daily deposits from the Judicial Bureau suggests that we continue to receive payments on old traffic judgments dating back many years. The Office of the Court Administrator’s Act 58 Report, dated December 15, 2015, offers even stronger evidence of the same. The data shows that **the judicial bureau collects 90% in five years and that roughly 25% of judgment amounts remain uncollected in the year they were incurred.**

Impact of Previous Driver Restoration Days on Crime Victim Programs

Under 13 V.S.A. § 7282(b), “[t]he surcharges imposed by this section shall not be waived by the court.” Nonetheless, because the Chittenden and Windham driver restoration days waived all but \$20 or \$25, respectively, of the total amounts due on traffic judgments, it is inevitable that at least some portion of surcharge

¹ Revenue figures based on Office of the Court Administrator – Act 58 Legislative Report, December 15, 2015.

amounts were waived, depending on the date of violation. The Court Administrator's Office has reported that Chittenden collected \$148,379 through Driver Restoration. We have requested information from the Court Administrator's Office, but we still do not know how much of the amount collected was deposited into the special funds administered by the Center, nor do we know how much the Judicial Bureau waived.

Issues Raised by H.571 as Passed by the House

- Page 3, (b)(1) and (3): These sections allow the Defendant to apply for a reduction and authorize the judicial bureau to reduce the amount due to \$30 *prior to actually receiving payment*. Without an expectation of immediate payment, this provision might simply result in an adjustment to the accounts receivable without corresponding revenue in hand.
- Page 6, (f): This provision requires that allocation of revenue collected be made according to the Judicial Bureau's own internal policy. As the Center reads that policy, the Judicial Bureau will receive its entire \$12.50, followed by the Restitution Fund, followed by the Victims Comp Fund. The Judicial Bureau will be held harmless—if not receive additional revenue as a result of the program—while the Center's funds will receive a smaller portion of the amount owed in surcharges or nothing at all.
- Page 6, (g): The Collection of Reporting and Statistics Section does not require any data as to the total revenue waived or deposited as a result of the program.

Proposal to Ensure No Net Loss to Crime Victim Funding

The Center requests that the Committee consider raising the reduced judgment amount for driver restoration and reallocate the formula on a proportional basis. Assuming a Restitution Fund surcharge that most likely varies from \$15 to \$30, and a Victims Compensation Fund surcharge that most likely varies from \$14.75 to \$29.75 (assuming 2005 to 2015 timeframe), the total amount owed to the three funds could range from roughly \$30, or less, to \$70 or more. Raising the reduced judgment amount to better approximate the actual surcharge total and allowing the Center's special funds to take a proportion that more closely approximates the current proportion of total surcharges paid will decrease the likelihood that crime victim funding will fall short as a result of this program.