



Testimony on H.171.1 an Act to all expungement under certain circumstances  
House Committee on Judiciary  
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Thank you for the opportunity to testify about this legislation before your Committee.  
The Center does not support this legislation as revised.

### **Restitution**

Restitution is ordered by the court at the time of sentencing. It is required by law as a condition of the sentence. It is repayment for losses incurred by the victim during wrongful acts.

The Center's Restitution Unit and Restitution Fund, authorized in 2003 and established in 2004, is charged with collecting restitution owed to victims by criminal offenders and enforcing restitution orders. The Fund advances up to \$5,000 for eligible victims awaiting payment from offenders. The Unit collects from the offender to then reimburse the fund. Where the victim is not eligible for fund advancement, or the order exceeds the \$5,000 cap, the Unit collects on behalf of the victim so that victims do not have to undertake this difficult work on their own.

### **Justice**

The phrase **interest of justice** usually is used to mean that a judge has discretion in making a ruling due to particular situations. In H.171.1 the addition of this phrase is of concern to the Center. The term is subjective and when used by a judge has the ability to use their own discretion in making a ruling in a particular situation – in this case when allowing an offender to expunge the conviction and not pay restitution that was ordered. The judge at the original sentencing has already used discretion when requiring restitution as part of the sentence, adding the phrase and opening that again as part of the expungement process does not allow the offender to be held accountable for the harm caused by the crime. The rights of the victim to collect these funds can be an important part of a victim being made whole after a crime has been committed.

The Center objects to the dismissal of restitution and would want the condition of repayment to be a requirement for applying for expungement. The victim of the crime has already provided to the court documentation of loss and the court has issued a sentence that includes this requirement. Restitution is one way that those who commit crimes are held responsible to the victim for the losses the victim incurred.

**The Center does not support H.171.1 and encourages the Committee to keep repayment of restitution as a requirement for consideration of expungement. Thank you.**