



VERMONT LEGISLATIVE
Joint Fiscal Office

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Fiscal Note

March 19, 2024

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H.880 – An act relating to increasing access to the judicial system

As introduced by the House Committee on Judiciary

Bill Summary

The bill would clarify the allocation of Judicial Bureau surcharge revenue to the Victims Compensation Special Fund, Domestic and Sexual Violence Special Fund, and the General Fund. It would increase the revenue shares to the two special funds for offenses or violations committed after June 30, 2024. The bill also would appropriate \$525,000 from the General Fund in fiscal year 2025 for legal services to Vermonters with low incomes.

Fiscal Impact

Section 2 of the bill proposes to modify the allocation of the \$47 Judicial Bureau surcharge for offenses or violations committed after June 30, 2024. This would increase annual revenue to the Center for Crime Victims Services by between approximately \$255,000 – \$493,000, beginning in fiscal year 2025. It would reduce General Fund revenue proportionally. This change would have no impact compared to current law since the passage of Act 78 (2023), but would clarify the applicability of the allocation prospectively.

Section 3 of the bill contains a \$525,000 appropriation from the General Fund to the Agency of Administration for a grant to the Vermont Access to Justice Coalition to provide legal services to Vermonters with low incomes.

Background on Judicial Bureau Surcharge

Per 13 V.S.A. § 7282, a \$47 surcharge is assessed in addition to any penalty or fine imposed by the court for a criminal offense or any civil penalty imposed by the Judicial Bureau. Prior to the passage of Act 78 (2023), the \$47 surcharge was allocated as such:

- \$29.75 to the Victims Compensation Special Fund
- \$10.00 to the Domestic and Sexual Violence Special Fund
- \$7.25 to the General Fund

Act 78 modified the revenue allocation to eliminate the General Fund share and increase the Victims Compensation Special Fund and the Domestic and Sexual Violence Special Fund shares by \$3.75 and \$3.50 respectively. However, Act 78 inadvertently adjusted these revenue allocations retroactively to offenses or violations committed from June 30, 2009, to the effective date of the act, which proved to be administratively unworkable.

Section 2 proposes to rectify these issues by restoring the pre-Act 78 allocations for older offenses or violations and adjusting the allocations as proposed by Act 78 prospectively for offenses or violations committed after June 30, 2024. H.880 would neither increase the \$47 penalty amount nor deviate from the special fund allocation increases as previously enacted.

In recent years, the number of criminal and civil offenses assessed the \$47 penalty ranged from approximately 35,253 (fiscal year 2022) to 67,991 (fiscal year 2019) – see Table 1. Assuming similar levels of judgments in future years, H.880 would increase revenues to the Victims Compensation Special Fund by between \$132,000 and \$255,000 and the Domestic and Sexual Violence Special Fund by between \$123,000 and \$238,000 beginning in fiscal year 2025. The General Fund would see a proportionate reduction between \$255,000 and \$493,000. While historical data can be useful for illustrating a range of magnitude of likely impacts, it is difficult to predict exactly how many criminal and civil penalties will be imposed in future years.

Table 1: Recent Numbers of Criminal and Civil Judgments Assessed the Judicial Bureau Surcharge

	Number of criminal and civil judgments
FY 2019	67,991
FY 2020	59,460
FY 2021	40,807
FY 2022	35,253