

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 93

(Senators Stone and Miller)

Judicial Proceedings

Judiciary

Unclaimed Restitution - Disbursements and Use

This bill requires the Comptroller to distribute unclaimed money from judgments of restitution to the State Victims of Crime Fund to assist victims of crimes and delinquent acts to protect the victims' rights as protected by law. The State Board of Victim Services is required to ensure that money obtained from unclaimed restitution is used for annual grants to provide legal counsel to victims. The bill requires that, if a victim entitled to restitution that has been treated as abandoned is located after the restitution money has been distributed to the fund, the Comptroller must reduce the next distribution to the fund by an equal amount.

Fiscal Summary

State Effect: Special fund revenues to the State Victims of Crimes Fund could increase by an estimated \$135,000 annually beginning in FY 2008 with a corresponding annual general fund revenue decrease.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The State Victims of Crime Fund is used to pay for carrying out: (1) Article 47 of the Maryland Declaration of Rights; (2) the guidelines for the treatment and assistance for victims and witnesses of crimes and delinquent acts; and (3) any laws enacted to benefit victims and witnesses of crimes and delinquent acts. This special fund

is administered by the State Board of Victim Services in the Governor's Office of Crime Control and Prevention and may pay for its own administrative costs.

Article 47 of the Declaration of Rights provides that: (1) a victim of crime must be treated by agents of the State with dignity, respect, and sensitivity during all phases of the criminal justice process; (2) in a case originating by indictment or information filed in a circuit court, a victim of crime has the right to be informed of the rights established in this Article and, upon request and if practicable, to be notified of, to attend, and to be heard at a criminal justice proceeding, as these rights are implemented and the terms "crime," "criminal justice proceeding," and "victim" are specified by law; and (3) nothing in this Article permits any civil cause of action for monetary damages for violation of any of its provisions or authorizes a victim of crime to take any action to stay a criminal justice proceeding.

In addition to any other costs required by law, a court shall impose on a defendant convicted of an offense an additional cost of \$3 in the case, including cases in which the defendant elects to waive the right to trial and pay the fine or penalty deposit established by the District Court by administrative regulation.

The Comptroller is required to deposit \$22.50 from each \$45 post conviction fee collected by a circuit court and \$12.50 from each \$35 post conviction fee collected by the District Court into the State Victims of Crime Fund. In addition, from the first \$500,000 in fees collected in each fiscal year from the \$3 fee cited above, the Comptroller is required to deposit one-half of each fee into the State Victims of Crime Fund and one-half of each fee into the Criminal Injuries Compensation Fund.

Background: The State Victims of Crime Fund had a fund balance of \$576,818.75 at the end of fiscal 2006. It began fiscal 2006 at \$593,688.19 and realized revenues of \$1,197,306.84, offset by expenditures of \$1,214,176.28.

State Fiscal Effect: The Comptroller's Office distributes restitution payments (in the form of checks) to individuals awarded such a judgment, at the direction of the Division of Parole and Probation (DPP) or the Department of Juvenile Services. If the checks are returned as undeliverable, they are considered unclaimed property and are held in that status until any eventual claim is made.

Unclaimed restitution resulting from DPP cases totaled \$62,421 in fiscal 2004; \$84,539 in fiscal 2005; and \$222,111 in fiscal 2006, representing an annual average of about \$123,000. No unclaimed amounts resulted from juvenile cases over that same period. The Comptroller further reports that these annual amounts tend to range from a low of about \$20,000 to a high of about \$250,000. Accordingly, Legislative Services

advises that this bill could result in annual special payments from the Comptroller's unclaimed property accounts to the Victim's of Crime Fund of an estimated \$135,000 beginning in fiscal 2008. Because these amounts tend to be quite random in nature, rather than following any perceived growth rate, it should be assumed that unclaimed restitution amounts will continue to tend to range between \$20,000 and \$250,000 for the foreseeable future.

The Department of Justice's State and Federal Clinics and System Demonstration Project and the Crime Victims' Rights Enforcement Project currently provide about \$500,000 per year in funding to the Maryland Crime Victims' Resource Center, Inc., a private victims' rights organization in the State.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Comptroller's Office, Governor's Office of Crime Control and Prevention, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - January 31, 2007
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