

HB1365/838775/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1365
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Department of Juvenile Services” and substitute “Criminal Procedure”; in the same line, after “Restitution” insert “and Other Payments”; in line 4, after the second “the” insert “Division of Parole and Probation and the”; in line 5, after “restitution” insert “payments, court costs, fines, fees, or”; in line 7, after “collection;” insert “authorizing the Central Collection Unit to collect funds in a certain manner and certify certain arrearages in a certain manner; requiring the Division, Department of Juvenile Services, or Central Collection Unit to provide certain notifications if certain costs, fines, fees, or accounts are paid; expanding certain authority of the State Lottery Agency to withhold certain prize money to include certain costs, fines, fees, and accounts;”; and in line 16, after “11-616” insert “and 11-618”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 2 on page 2 through line 28 on page 3, inclusive.

On page 5, after line 15, insert:

“11-616.

(a) The Division or the Department of Juvenile Services[:

(1) in addition to other actions authorized under Part I of this subtitle, may refer [an overdue] ALL restitution, [account] COURT COSTS, FINES, FEES, OR ACCOUNTS for collection to the Central Collection Unit[: and

(Over)

(2) if probation or other supervision is terminated and restitution is still owed, shall refer the overdue restitution account for collection to the Central Collection Unit].

(b) Subject to subsection (c) of this section, the Central Collection Unit may:

(1) collect [overdue restitution] FUNDS in accordance with Title 3, Subtitle 3 of the State Finance and Procurement Article; and

(2) certify [a restitution] AN obligor who is in arrears on [restitution] payments exceeding \$30 [under the judgment of restitution] to:

(i) the Comptroller for income tax refund interception in accordance with Title 13, Subtitle 9, Part III of the Tax – General Article; and

(ii) the State Lottery Agency for State lottery prize interception in accordance with § 11–618 of this subtitle.

(c) (1) The Central Collection Unit may not compromise and settle a judgment of restitution unless:

(i) the Division or the Department of Juvenile Services obtains the consent of the victim; or

(ii) the court orders otherwise because a victim cannot be located.

(2) The Division or the Department of Juvenile Services shall contact the victim to determine whether the victim consents to compromise and settle a judgment of restitution.

(d) If complete restitution and interest have been paid [or], a judgment of restitution has been compromised and settled as provided in subsection (c) of this section, OR ANY OTHER COST, FINE, FEE, OR ACCOUNT HAS BEEN PAID IN FULL, the Division, the Department of Juvenile Services, or the Central Collection Unit immediately shall notify:

(1) the court that issued the judgment by filing the statement as provided under § 11-608(c) of this subtitle that the judgment has been satisfied; and

(2) the last known employer of [a restitution] AN obligor to terminate an earnings withholding order issued under § 11-617 of this subtitle.

[(e) (1) Restitution is overdue if the restitution or a restitution payment is not paid:

(i) by the date that the court orders; or

(ii) if no date is ordered, by the later of:

1. the date the Division or the Department of Juvenile Services directs the restitution obligor to pay restitution or make a restitution payment; or

2. 30 days after the court enters a judgment of restitution.

(2) If restitution is overdue, the amount of the arrearage is the amount of restitution ordered and any interest allowed by law, minus any amount previously paid or received under the judgment of restitution.]

11-618.

(Over)

(a) A certification of arrearage on restitution [payments], COURT COSTS, FINES, FEES, OR ACCOUNTS OWED that the Central Collection Unit sends to the State Lottery Agency under § 11-616 of this subtitle shall contain:

(1) the full name of the [restitution] obligor and any other name known to be used by the [restitution] obligor;

(2) the Social Security number of the [restitution] obligor; and

(3) the amount of the arrearage.

(b) If [a restitution] AN obligor who is overdue in [restitution] payments REFERRED TO THE CENTRAL COLLECTION UNIT UNDER § 11-616 OF THIS SUBTITLE wins a lottery prize to be paid by check directly by the State Lottery Agency, the State Lottery Agency shall send a notice to the [restitution] obligor that:

(1) the [restitution] obligor has won a prize to be paid by the State Lottery Agency;

(2) the State Lottery Agency has received notice from the Central Collection Unit of the [restitution] obligor's [restitution] arrearage in the specified amount;

(3) State law requires the State Lottery Agency to withhold the prize and to pay it towards the [restitution] obligor's [restitution] arrearage;

(4) the [restitution] obligor may appeal to the Central Collection Unit if the [restitution] obligor disputes the existence or the amount of the arrearage; and

(5) if an appeal is not filed within 15 days after the date of the notice, the State Lottery Agency will transfer the prize or the part of the prize that equals the [restitution] arrearage to the Central Collection Unit.

(c) (1) The State Lottery Agency shall withhold all or part of the prize up to the amount of the arrearage until the Central Collection Unit notifies the State Lottery Agency as to whom the withheld prize money is to be paid.

(2) The State Lottery Agency shall honor lottery prize interception requests in the following order:

(i) an interception request under § 10–113.1 of the Family Law Article;

(ii) an interception request under this section; and

(iii) an interception request under § 3–307 of the State Finance and Procurement Article.

(d) (1) On receipt of a notice from the State Lottery Agency, [a restitution] AN obligor who disputes the existence or amount of the arrearage may appeal the proposed transfer.

(2) If an appeal is not filed within 15 days after the date of the notice, the State Lottery Agency shall transfer the amount of the prize withheld to the Central Collection Unit.

(3) If the [restitution] obligor appeals the proposed transfer, after a hearing the Central Collection Unit shall notify the State Lottery Agency that the withheld prize shall be:

(i) paid to the [restitution] obligor;

(Over)

(ii) transferred to the Central Collection Unit; or

(iii) in specified amounts, partly paid to the [restitution] obligor and partly transferred to the Central Collection Unit.

(e) The Secretary of Budget and Management and the Director of the State Lottery Agency may jointly adopt regulations to carry out this section.”.