

HOUSE BILL 1365

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By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: February 22, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Restitution and Other Payments – Referral to the**
3 **Central Collection Unit**

4 FOR the purpose of authorizing the Division of Parole and Probation and the
5 Department of Juvenile Services to refer all restitution payments, court costs,
6 fines, fees, or accounts to the Central Collection Unit of the Department of
7 Budget and Management for collection; authorizing the Central Collection Unit
8 to collect funds in a certain manner and certify certain arrearages in a certain
9 manner; requiring the Division, Department of Juvenile Services, or Central
10 Collection Unit to provide certain notifications if certain costs, fines, fees, or
11 accounts are paid; expanding certain authority of the State Lottery Agency to
12 withhold certain prize money to include certain costs, fines, fees, and accounts;
13 and generally relating to the Central Collection Unit.

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Procedure
16 Section 11–616 and 11–618
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2011 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Criminal Procedure**

22 11–616.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 2. 30 days after the court enters a judgment of
9 restitution.

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

13 11-618.

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

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

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

20 (3) the amount of the arrearage.

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

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

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

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

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

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

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

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

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

13 (ii) an interception request under this section; and

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

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

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

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

25 (i) paid to the [restitution] obligor;

26 (ii) transferred to the Central Collection Unit; or

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

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

1 SECTION 2. AND IT BE FURTHER ENACTED, That this Act shall take effect
2 July 1, 2012.