

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 677  
3 entitled “An act relating to the Restitution Unit” respectfully reports that it has  
4 considered the same and recommends that the Senate propose to the House that  
5 the bill be amended by striking out all after the enacting clause and inserting in  
6 lieu thereof the following:

7 Sec. 1. 13 V.S.A. § 7043(n) is amended to read:

8 (n)(1) Any monies owed by the State to an offender who is under a  
9 restitution order, including lottery winnings, unclaimed property, and tax  
10 refunds, shall be used to discharge the restitution order to the full extent of the  
11 unpaid total financial losses, regardless of the payment schedule established by  
12 the Courts.

13 (2) Prior to notice being given to such persons pursuant to 27 V.S.A.  
14 § 1249, the Office of the Treasurer shall determine whether any unclaimed  
15 property owner has an outstanding restitution order.

16 (A) The Restitution Unit shall inform the Treasurer of persons with  
17 outstanding restitution orders upon request. Each person subject to such an  
18 order shall be identified by name and Social Security or federal identification  
19 number.

20 (B) If any such owner owes restitution, the Restitution Unit, after  
21 notice to the owner, may request and the Treasurer shall transfer the unclaimed

1 property of such owner to the Restitution Unit to be applied to the amount of  
2 restitution owed. The notice shall advise the owner of the action being taken  
3 and the right to appeal the setoff if he or she is not the person liable under the  
4 Restitution Judgment Order; or if the underlying conviction was vacated or is  
5 under appeal.

6 (3) When an offender is entitled to a tax refund, any restitution owed  
7 by the offender shall be withheld from the refund pursuant to 32 V.S.A.  
8 chapter 151, subchapter 12.

9 ~~(3)~~(4)(A) For all Vermont lottery games, the Lottery Commission shall,  
10 before issuing prize money of \$500.00 or more to a winner, determine whether  
11 the winner has an outstanding restitution order. If the winner owes restitution,  
12 the Lottery Commission shall withhold the entire amount of restitution owed  
13 and pay it to the Restitution Unit. The remainder of the winnings, if any, shall  
14 be sent to the winner. The winner shall be notified by the Restitution Unit of  
15 the offset prior to payment to the victim and given a period not to exceed  
16 20 days to contest the accuracy of the information.

17 (B) The Restitution Unit shall inform the Lottery Commission of  
18 persons with outstanding restitution orders upon request. Each person subject  
19 to such an order shall be identified by name, address, and Social Security  
20 number.

1           (C) If a lottery winner has an outstanding restitution order and an  
2           outstanding child support order, the lottery winnings shall be offset first  
3           pursuant to 15 V.S.A. § 792 by the amount of child support owed, and second  
4           pursuant to this subsection by the amount of restitution owed. The remainder  
5           of the winnings, if any, shall be sent to the winner.

6           ~~(4)~~(5) Unless otherwise provided, monies paid under this subsection  
7           shall be paid directly to the Restitution Unit.

8           Sec. 2. EFFECTIVE DATE

9           This act shall take effect on July 1, 2016.

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12           (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE