SENATE BILL 547: Restitution Remission/Notice and Hearing Requirement.

2017-2018 General Assembly

Committee:		**Date:**	August 29, 2017
Introduced by:		**Prepared by:**	Jennifer H. Bedford
Analysis of:	S.L. 2017-16		Staff Attorney

OVERVIEW: S.L. 2017-16 requires notice and the opportunity for the district attorney and victim to be heard before a judge may order restitution to be remitted. This act becomes effective December 1, 2017 and applies to orders for remission entered on or after that date.

CURRENT LAW: Courts are required to determine whether a criminal defendant should be required to make restitution to any person directly and proximately harmed as a result of the defendant's commission of the criminal offense and may order restitution to be paid to victim, victim's estate, or organization, corporation or association that provided assistance to the victim following the commission of the offense. The General Statutes do not currently provide explicit authorization for a court to remit a prior order of restitution.

BILL ANALYSIS: S.L. 2017-16 requires notice and a hearing before a court could remit all or part of an order of restitution. At least 15 days prior to the hearing, the court is required to provide notice to the district attorney and the victim, or victim's estate, of:

- The date and time of the hearing.
- The right to be heard.
- The right to object to the remission of restitution.

Notice to the victim, victim's estate, or other entity is required to be made by first-class mail to the address provided for receipt of funds paid pursuant to the order of restitution.

S.L. 2017-16 explicitly provides for courts to remit previously entered orders of restitution following a hearing provided:

- The court finds that remission of the order is warranted.
- The remission serves the interests of justice.

S.L. 2017-16 provides that a remission of an order of restitution would not limit a victim's right to bring a civil action against the defendant for damages.

EFFECTIVE DATE: This act becomes effective December 1, 2017 and applies to orders for remission entered on or after that date.

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