



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

2017-2018 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 19, 2017
Introduced by:	Sens. Randleman, Daniel	Prepared by:	Augustus D. Willis Committee Counsel
Analysis of:	First Edition		

OVERVIEW: *Senate Bill 547 would require 15 days' notice and the opportunity for the district attorney and victim, victim's estate or any other entity to which a court has ordered restitution be paid before all or part of the order of restitution may be remitted.*

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: Senate Bill 547 would require 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 would be required to provide notice of the date and time of the hearing and of the right to be heard and make an objection to the remission of the order of restitution to the district attorney and the victim, victim's estate, or any other entity to which the order directs restitution to be paid. Notice to the victim, victim's estate, or other entity would be required to be made by first-class mail to the address provided for receipt of funds paid pursuant to the order of restitution.

The bill would explicitly provide for courts to remit previously entered orders of restitution following a hearing provided the court finds that remission of the order is warranted and serves the interests of justice. The bill clarifies that remission of an order of restitution would not abridge the right of a victim or the victim's estate to bring a civil action against the defendant for damages arising out of the offense committed by the defendant.

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

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Legislative Analysis
Division
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