

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1211

To provide incentive grants to States to improve methods of ordering, collecting, and enforcing restitution to victims of crime, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6 (legislative day, SEPTEMBER 5), 1995

Mr. COATS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide incentive grants to States to improve methods of ordering, collecting, and enforcing restitution to victims of crime, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restitution and Re-  
5 sponsibility Act”.

6 **SEC. 2. GRANT PROGRAM.**

7 (a) IN GENERAL.—The Attorney General is author-  
8 ized to provide grants to States to enable the States to—

1           (1) collect data on victim restitution over a  
2           specified period of time as determined by the Attor-  
3           ney General;

4           (2) create or expand automated data systems to  
5           track restitution payments;

6           (3) make improvements in the manner in which  
7           restitution is ordered and collected; and

8           (4) enhance and expand methods of enforce-  
9           ment of restitution orders.

10          (b) ELIGIBILITY.—To be eligible to receive a grant  
11          under this Act, a State shall—

12               (1) submit an application to the Attorney Gen-  
13               eral, in such form as the Attorney General shall re-  
14               quire, that meets the requirements of subsection (c);  
15               and

16               (2) certify that the State has a victim advocacy  
17               program that—

18                       (A) provides assistance to victims of crime  
19                       throughout the judicial process; and

20                       (B) provides courts with a victim impact  
21                       statement prior to sentencing.

22          (c) APPLICATION.—An application meets the require-  
23          ments of this subsection if it includes—

24               (1) a description of the State’s victim advocacy  
25               program;

1 (2) a description of the method by which the  
2 State compiles or will compile data on restitution,  
3 including information on—

4 (A) restitution amounts ordered and col-  
5 lected;

6 (B) collection rates for incarcerated offend-  
7 ers and offenders who are on probation;

8 (C) collection rates for offenders commit-  
9 ting felonies and for those committing mis-  
10 demeanors; and

11 (D) rates of partial and full payment rates  
12 of collection;

13 (3) documentation of a State's current prob-  
14 lems in ordering, collecting, and enforcing restitu-  
15 tion;

16 (4) a description of State laws and practices re-  
17 lated to restitution;

18 (5) a description of administrative and legisla-  
19 tive options to improve ordering, collecting, and en-  
20 forcing restitution;

21 (6) a description of the State's proposal to cre-  
22 ate or expand an automated data processing system  
23 to track restitution payments;

24 (7) a description of the State's plan to improve  
25 the ordering of restitution, including—

1 (A) provisions to ensure that courts order  
2 restitution whenever a victim suffers economic  
3 loss as a result of unlawful conduct by a de-  
4 fendant;

5 (B) provisions to ensure that restitution is  
6 ordered in the full amount of the victim's loss,  
7 as determined by the court;

8 (C) the prioritization of restitution in the  
9 ordering and disbursing of fees; and

10 (D) such other provisions consistent with  
11 the purposes of this Act;

12 (8) a description of how the State will improve  
13 collection of restitution payments, including—

14 (A) the establishment of a central account-  
15 ing, billing, and collection system that tracks  
16 the offender's obligations and status in meeting  
17 those obligations;

18 (B) a process by which information about  
19 an offender's restitution payments is made  
20 available to probation officials;

21 (C) adopting methods to ensure payments  
22 such as automatic docketing, billing, wage with-  
23 holding, privatization of collection, withholding  
24 State grant privileges, or seizure of state in-  
25 come tax refunds; and

1 (D) other provisions consistent with the  
2 purposes of this Act;

3 (9) a description of how the State will enforce  
4 restitution payments, including—

5 (A) assigning an agency responsible for the  
6 enforcement of a restitution order;

7 (B) adopting policies to increase the inten-  
8 sity of sanctions if an offender defaults on pay-  
9 ments, including—

10 (i) revoking a term of probation or  
11 parole;

12 (ii) modifying the terms or conditions  
13 of probation or parole;

14 (iii) holding a defendant in contempt  
15 of court;

16 (iv) entering a restraining order or in-  
17 junction; or

18 (v) ordering the sale of property of  
19 the defendant;

20 (C) adopting procedures to ensure restitu-  
21 tion orders are entered as civil judgments upon  
22 entry to allow a victim to execute judgment if  
23 restitution payments are delinquent;

24 (D) such other provisions consistent with  
25 the purposes of this Act; and

1           (10) the establishment of a community restitu-  
2           tion fund administered by a State agency into which  
3           restitution payments are made by an offender (in  
4           addition to victim restitution payments) and can be  
5           used to pay indigent offenders for performing public  
6           service work.

7           (d) **WAIVER.**—The Attorney General may waive the  
8           requirements under subsection (c) for a State that dem-  
9           onstrates sufficient cause for lack of compliance.

10          (e) **GRANT PERIOD.**—A grant under this Act shall  
11          be awarded for a period of not more than 5 years.

12          **SEC. 3. REPORT.**

13          Each State receiving a grant under this Act shall sub-  
14          mit an annual report to the Attorney General that includes  
15          an evaluation of the progress of the projects funded  
16          through the grant, an accounting of expenditures, and  
17          such other provisions as may be required by the Attorney  
18          General. The Attorney General shall issue an annual re-  
19          port to Congress that includes the information submitted  
20          by States under this section.

21          **SEC. 4. EVALUATION.**

22          (a) **FINAL EVALUATION.**—Within a month after the  
23          award of the first grant made under this Act, the Attorney  
24          General shall contract with an independent organization

1 to do a final evaluation of the projects funded by this Act  
2 at the end of 5 years.

3 (b) INTERIM EVALUATION.—The Attorney General  
4 shall conduct an interim evaluation of the projects funded  
5 by this Act 3 years after the first grant made under this  
6 Act.

7 (c) CONTENT OF REPORTS.—The reports required by  
8 subsections (a) and (b) shall include the following informa-  
9 tion:

10 (1) An evaluation of data collection efforts.

11 (2) An assessment of whether ordering of res-  
12 titution increased and whether prioritizing restitu-  
13 tion in fees collected improved restitution payments.

14 (3) An analysis of whether the project was suc-  
15 cessful in improving significantly restitution collec-  
16 tion rates.

17 (4) An evaluation of most effective methods in  
18 improving restitution collection and in enforcing res-  
19 titution payments.

20 (5) An analysis of how effective automated data  
21 systems were in increasing restitution collection.

22 (6) An analysis of States' use of the community  
23 restitution fund and its effectiveness in ensuring in-  
24 digent offenders pay restitution.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated \$10,000,000  
3 in each of fiscal years 1997, 1998, 1999, 2000, and 2001  
4 to carry out this Act.

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