

2013 -- H 5668

LC01624

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO CRIMINAL PROCEDURE - SENTENCE AND EXECUTION

Introduced By: Representatives Craven, Mattiello, O'Neill, Lombardi, and Shekarchi

Date Introduced: February 27, 2013

Referred To: House Judiciary

(Judiciary)

It is enacted by the General Assembly as follows:

SECTION 1. Section 12-19-34 of the General Laws in Chapter 12-19 entitled "Sentence and Execution" is hereby amended to read as follows:

12-19-34. Priority of restitution payments to victims of crime. -- (a) (1) If a person, pursuant to sections 12-19-32, 12-19-32.1, or 12-19-33, is ordered to make restitution in the form of monetary payment the court may order that it shall be made through the administrative office of state courts which shall record all payments and pay the money to the person injured in accordance with the order or with any modification of the order; provided, in cases where court ordered restitution totals less than two hundred dollars (\$200) payment shall be made at the time of sentencing if the court determines that the defendant has the present ability to make restitution.

(2) Payments made on account when both restitution to a third-party is ordered, and court costs, fines, and fees, and assessments related to prosecution are owed, shall be disbursed by the administrative office of the state courts in the following priorities:

(i) Upon determination of restitution, court ordered restitution payments shall be paid first to ~~person~~ persons injured until such time as the court's restitution is fully satisfied; ~~and~~

(ii) Followed by the payment of court costs, fines, fees, and assessments related to prosecution ~~after the full payment of restitution.~~

(3) Notwithstanding any other provision of law, any interest which has been accrued by the restitution account in the central registry shall be deposited on a regular basis into the crime victim compensation fund, established by chapter 25 of this title. In the event that the office of the

1 administrator of the state courts cannot locate the person or persons to whom restitution is to be
2 made, the principal of the restitution payment shall escheat to the state pursuant to the provisions
3 of chapter 8-12.

4 (b) The state is authorized to develop rules and/or regulations relating to assessment,
5 collection, and disbursement of restitution payments when any of the following events occur:

6 (1) The defendant is incarcerated or on home confinement but is able to pay some
7 portion of the restitution; or

8 (2) The victim dies before restitution payments are completed.

9 (c) The state may maintain a civil action to place a lien on the personal or real property
10 of a defendant who is assessed restitution, as well as to seek wage garnishment, consistent with
11 state and federal law.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL PROCEDURE - SENTENCE AND EXECUTION

- 1 This act would provide for the priority of restitution payments to victims of crime once
2 restitution is determined.
3 This act would take effect upon passage.

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