

1 SB453
2 154771-3
3 By Senators Marsh and Orr
4 RFD: Finance and Taxation General Fund
5 First Read: 11-MAR-14

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8 SYNOPSIS: Under current law, a collection fee is
9 added to the total amount of funds due for
10 court-ordered restitution after a matter has been
11 transferred to the district attorney for collection
12 purposes. The total amount of the collection fee is
13 distributed to the district attorney and the
14 circuit clerk before any other distributions are
15 made.

16 This bill would provide for specific
17 distribution of the total amount collected by the
18 district attorney for court-ordered restitution and
19 would ensure that victims obtain a pro-rata share
20 of any collections.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to restitution recovery; to amend Section
27 12-17-225.4, Code of Alabama 1975, to provide for distribution

1 of court-ordered restitution once collected by the district
2 attorney; and to ensure that victims obtain a pro-rata share
3 of any collections.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. This act shall be known and may be cited
6 as The Victims' Compensation Act of 2014.

7 Section 2. Section 12-17-225.4, Code of Alabama
8 1975, is amended to read as follows:

9 "§12-17-225.4.

10 "(a) After a matter has been transferred to a
11 district attorney under Section 12-17-225.2, a court shall
12 assess a collection fee of 30 percent of the funds due which
13 shall be added to the amount of funds due, provided, however,
14 that the collection fee and the distributions in subdivisions
15 (1) and (2) of this subsection shall not apply to monies
16 collected through the income tax refund offset program or by a
17 private contract collection entity. Any amount collected
18 pursuant to this division shall be distributed as follows: The
19 total amount collected pursuant to this subsection, except as
20 provided above, shall be distributed as follows:

21 "~~(1) Seventy-five percent of the collection fee~~
22 17.31 percent of the total amount collected shall be
23 distributed to the county district attorney's fund to be
24 expended for lawful purposes for the operation of the office
25 of the district attorney. Funds provided to the district
26 attorney by this ~~division~~ subdivision shall not reduce the
27 amount payable to the district attorney under any local act or

1 general act or reduce or affect the amounts of funding
2 allocated by law to the budget of the district attorney. The
3 funds shall be audited as all other state funds are audited.

4 ~~"(2) Twenty-five percent of the collection fee 5.77~~
5 percent of the total amount collected shall be distributed to
6 the circuit clerk's fund which shall be kept and maintained by
7 the circuit clerk in a separate account to be used for the
8 operation of the office of the clerk to include, but not be
9 limited to, equipment purchases, education, and other office
10 related expenses including personnel. Funds retained by the
11 circuit clerk shall not reduce the amount payable to the
12 circuit clerk under any local act or general act or reduce or
13 affect the amounts of funding allocated by the Administrative
14 Office of Courts to the budget of the circuit clerk. The funds
15 shall be audited as all other state funds are audited.

16 ~~"The Legislature may, by local law, adjust the~~
17 ~~distribution in this section.~~

18 "(3) Of the remainder of the total amount collected
19 after the distributions in subdivisions (1) and (2) of this
20 subsection, the pro-rata portion of the amount of restitution
21 originally ordered by the sentencing court to be paid to the
22 victim(s) shall be distributed to the victim(s) before any
23 other distributions are made. The remainder of the total
24 amount collected of the fees, fines, penalties, charges, court
25 costs, and bail bond forfeitures, even if the collection is
26 partial, ~~after the deduction for collection~~ shall be disbursed
27 pro rata as provided by law on a monthly basis.

1 "~~(3)~~ (b) This ~~division~~ section shall not affect the
2 right of the office of the district attorney to proceed with
3 the prosecution of any violation as currently provided by
4 law."

5 Section 3. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.