

Fiscal Estimate Narratives

DOC 3/10/2023

LRB Number	23-0323/1	Introduction Number	AB-0087	Estimate Type	Original
Description restitution upon conviction of vehicular homicide					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, the court is required to order a defendant sentenced to probation to pay restitution to the victim in an amount determined by the court considering the amount of loss sustained by the victim, the financial resources and earning ability of the defendant, the needs of the defendant's dependents, and any other factors deemed appropriate by the court. Under this bill, if a person is convicted of homicide by intoxicated use of a vehicle and the victim of the homicide is a parent of a minor child, the restitution order may include costs of maintenance for each child of the victim until the child turns 18, or 19 if the child is still enrolled in high school. In determining restitution, the bill would allow the court to also consider the financial needs and resources of the victim's child and the surviving parent or guardian, the standard of living that the victim's child is accustomed to, the victim's child's emotional needs, physical and legal custody arrangements, and the reasonable work-related child care expenses of the surviving parent.

Under current law, a restitution order does not affect a victim's right to file a civil lawsuit against the defendant. The bill specifies that the parent or guardian of the victim's children would also maintain the ability to file a civil suit against the defendant. Under the bill, any awarded civil damages will offset the amount of restitution ordered and vice versa; if civil damages are awarded before restitution is ordered, the order of the restitution will be offset by the amount of damages awarded.

Under the proposed legislation, there would likely be an increase in the amount of restitution owed and the length of time DOC would be responsible for the management of financial accounts for Persons In Our Care and Community Correction clients convicted of homicide by intoxicated use of a vehicle. However, it is not possible to determine how many individuals will be convicted of homicide by intoxicated use of a vehicle involving victims with minor dependents that would fall under the purview of this bill.

The amount of time required to process restitution orders at the county level would also likely increase under the bill.

Since it is not possible to project the increase in restitution that would need to be processed by the Department or by counties, it is not possible to determine the state or local cost increase resulting from this bill.

Long-Range Fiscal Implications