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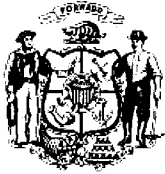
*Testimony before the Senate Committee on Judiciary and Public Safety
State Senator André Jacque
September 17th, 2019*

Chairman Wanggaard and Colleagues on the Senate Committee on Judiciary and Public Safety,

Thank you for the opportunity to testify before you today in support of Senate Bill 33, the Crime Victim Restitution Fairness Act, legislation Rep. Horlacher and I have introduced in partnership with Wisconsin's Victims Rights Evidence-Based Decision Making Workgroup.

Senate Bill 33 was originally referenced in testimony delivered to the Assembly Committee on Corrections and this committee last session by the Community Justice Coordinating Council. In an effort to further the goal of increasing the collection of restitution for victims of crime, this legislation improves and refines a number of components included within 2015 Wisconsin Act 355 and the process of restitution collection in general:

1. Act 355 allowed Clerks of Court and the Department of Corrections (DOC) to certify restitution debt to the Department of Revenue (DOR) once payment is 30 days past due. The DOR has advised it will only take debt that is 90 days past due. SB 33 requires the DOR to begin collection efforts at time of certification as intended by Act 355.
2. Act 355 allowed Clerks of Court and the DOC to certify restitution debt to DOR, but the lack of requirement that they do so has left room for great inconsistency among counties. Additionally, Clerks of Court have the option to recertify current restitution debt from the Tax Return Intercept Program (TRIP) to State Debt Collection, but some may choose not to. SB 33 requires that all Clerks of Court should be required to certify restitution debt – current and new – to State Debt Collection under DOR to maximize the collection of restitution for crime victims, unless the victim requests that the debt not be certified.
3. The DOC has interpreted Act 355 to allow for the collection of supervision fees once the offender is no longer on supervision (the debt is certified or docketed as a civil judgment). SB 33 clarifies state statutes to affirm that supervision fees, like all other fees and costs, may not be collected until restitution debt in any form is satisfied.
4. Currently, a civil action to enforce a restitution order must be filed within 20 years. SB 33 eliminates the statute of limitations for a civil action to enforce a restitution order so that such an action may be filed at any time.
5. Presently, when paying fines online through the Wisconsin Circuit Court Access Program (CCAP), offenders can choose to pay other fines and costs before satisfying restitution, especially when an offender has multiple cases. SB 33 directs the director of state courts to ensure that the court system website organizes restitution by the individual who owes restitution, not by the case in which restitution is owed, and to apportion all payments made by an individual across all victims to whom he or she owes restitution.
6. SB 33 requires the DOR to apply collected amounts to outstanding child support and restitution debt before any other debt.



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This legislation is supported by the Waukesha County DA's Office of Victim Services, the Dane County DA's Office of Victim Witness Services, the WI DOJ Office of Crime Victim Services, and the Wisconsin Chiefs of Police Association Inc. Thank you again for your consideration of Senate Bill 33, the Crime Victim Restitution Fairness Act.



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September 17th, 2019

Chairman Wanggaard and Judiciary and Public Safety Committee Members,

Thank you for holding a Public Hearing on SB 33 related to the collection of victim restitution.

I want to thank Senator Jacque and various stakeholders for their work on this important legislation.

This bill improves and refines a number of components in the restitution collection process and prioritizes the collection of restitution for victims of crime.

I have worked throughout my career to support victims of crime. This legislation directs various agencies to prioritize the payment of restitution to victims and allows restitution payments to be apportioned across all payments that the individual owes to victims. We need to ensure that outstanding child support and restitution debt are paid before any other debt.

I am passionate about helping victims of crime get the justice they deserve. We need to support our friends and neighbors who have been victimized and work together to promote Wisconsin ideals we can all support.

I support these changes to the restitution process and I hope that members of this committee will stand with Sen. Jacque and me in support of SB 33.

This bill was drafted in partnership with Wisconsin's Victims Rights Evidence-Based Decision Making Workgroup.

I appreciate your consideration of this bill and please feel free to contact my office with any questions you may have.