

**Remarks by Jennifer Storm, Victim Advocate  
Restitution in Pennsylvania Task Force Press Conference  
May 5<sup>th</sup>, 2014  
House Judiciary Committee, Harrisburg, Pennsylvania**

My name is Jennifer Storm and I am the Victim Advocate of the Commonwealth and the Chair of the Restitution in Pennsylvania Task Force. I want to thank the chairman and the members for taking the time to meet with us and hear our individual and collective thoughts on the importance of restitution for crime victims.

As you are aware the Restitution in Pennsylvania Task Force released the final report in February of 2013. The report contained 47 recommendations developed, debated, and ultimately accepted by the membership during a 13-month period which began in October 2011. These recommendations were made to the Governor's Administration, the Legislature, and the Judiciary, as well as to the many county and state level entities, which through their policies, practices and procedures have an impact upon restitution ordering, collections and disbursement. The overall goal of these recommendations was to enhance the criminal and juvenile justice systems' effectiveness regarding restitution.

The Task Force was formed through funding from the Pennsylvania Commission on Crime and Delinquency and convened by the Office of the Victim Advocate. The Center for Schools and Communities carried out the administrative functions of the work through a contract with the Office of the Victim Advocate. The full report can be found online at [www.PA-RestitutionTaskForce.info](http://www.PA-RestitutionTaskForce.info).

The Task Force was created to bring together relevant county and state level stakeholders and experts, including individuals, agencies and organizations engaged in victim restitution work, as well as representatives of the judicial, legislative and administrative branches of government. During its deliberations, the Task Force served as a forum for enhancing interagency coordination, increasing communication, and identifying solutions to increase the quality of restitution services at the state and county levels.

The final 47 recommendations were categorized into four areas and are detailed in the final report, including rationale, next steps, as well as any dissenting opinions. While not all of the recommendations received a unanimous approving vote, each was supported by a majority vote. The four categories of the recommendations are:

- Uniformity of Policy and Practice
- Strengthening Accountability
- Coordination of Information, and

- Expansion of Authority

I am very pleased to report that many of our recommendations have been completed or are in the process of being implemented. It was determined through the work of subcommittees that many of the recommendations could be fulfilled by collaborative partnerships and policy changes. To that end there are several actions in process to achieve our goals including:

- The development of a restitution bench book and other resources for juvenile and criminal court.
- Training of judges and staff on best practices
- The development of a victim's guide to restitution in the juvenile justice system
- The development of a standardized restitution court order
- The Pennsylvania Board of Probation and Parole is sending dunning letters to all parolees who are not making restitution payments.
- The PBPP has established a committee of agents on the collection on restitution to create fact sheets and share best practices.
- The OVA has brought victims/survivors into the PBPP and DOC to discuss the importance of restitution collection
- Many counties have begun using contempt courts.
- The Criminal Rules Committee has proposed a rule change to allow DA's to ask the court, after the defendant is convicted to apply the bail to the payment of restitution, costs and fines.
- PCCD included restitution as a fundable category under this year's JAG announcement and also showcased cost contempt courts at their annual CJAB Conference.

**Some of the legislative recommendations that we have for your attention today are as follows:**

- Recommendation #9 & #37 requests that the General Assembly should consider amending Title 42 Section 9728 (b)(5) to establish a mandated minimum percentage threshold (no less than 20%) for deductions from inmate personal accounts for both county correctional facilities and the DOC. Senate Bill 1029 is currently in the judiciary and would be supported by the task force members if the minimum threshold was set as 20%
- Recommendations #41, 43 & 44 are regarding wage attachment options, while currently the law allows for a wage attachment for restitution it is not given the priority we feel it should have, currently Restitution falls 11<sup>th</sup> or last on the priority list for wage attachment, it would be beneficial to have Restitution moved into priority position 3. (See below priority currently in Title 42 8147)
  - a.) Divorce

- b.) Support
- c.) Board (as in room and board)
- d.) Landlord judgments
- e.) Income taxes unpaid (federal, state, local)
- f.) FICA & retirement plans
- g.) Union Dues
- h.) Health insurance premiums
- i.) Judgments from residential leases
- j.) PHEAA student loans
- k.) Restitution

- The General Assembly should consider amending Title 42 Section 9730 adding section (a. 1) to clarify the authority of the court to assign the wages of a defendant who agrees to an assignment of income of not more than 25% of the defendant's gross salary, wages or other earnings to the court for payment of any restitution, fines or court cost. This amendment should also impose obligations on employers in this regard. This would be consistent with what employers are permitted under current child support statutes that govern wage attachments/garnishments.
- The General Assembly should consider authorizing courts to order wage attachment for defendants who have been found in contempt for nonpayment of restitution, costs or fines.
- The General Assembly should consider authorizing courts to order wage attachment for defendants who have the ability to pay restitution, costs or fines.
- Recommendation #46 the General Assembly should consider enacting or amending statute to require the Department of Revenue and Pennsylvania Lottery to pay any state judicial debt to include overdue restitution, costs and/or fines from any state income tax refunds and/or lottery winnings. Currently House Bill 1489 & Senate Bills 1016 & 1017 address this issue and the Task Force fully supports these bills.

Several representatives of the Task Force Committee are here today, and will provide information on the focus of their work as well as highlight specific recommendations that have been implemented and where additional work is needed.

The Office of the Victim Advocate is fully committed to continuing the work of The Restitution Task Force and we will work with the legislature to educate and inform members on the importance of these vital measures to financially restore crime victims to the best of our ability.