

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3031

2007 HOUSE JUDICIARY

HCR 3031

# 2007 HOUSE STANDING COMMITTEE MINUTES

## Resolution No. HCR 3031

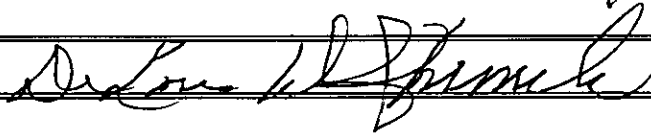
House Judiciary Committee

Check here for Conference Committee

Hearing Date: February 5, 2007

Recorder Job Number: 2754, 2755

Committee Clerk Signature



Minutes:

**Chairman DeKrey:** Opened the hearing on HCR 3031.

**Rep. Wolf:** (see attached testimony) Asked that a resolution be forwarded to the US Attorney General and each congressional delegation. Urging the US congress to reintroduce the restitution for victims of crime act and the urge the US Department of Justice to recover full restitution owed to innocent victims. The amount of debt not collected by the federal government has increased from 6 billion in 1996 to over 41 billion at the end of fiscal year 2005. Approximately 15 million dollars in criminal debt ordered by federal courts in ND remained uncollected at the end of fiscal year 2005. The government accountability office investigators found that federal criminal justice officials collected an average of only 4 cents on every dollar of criminal debt that was owed to crime victims in the years 2000-2002. US Senator Bryon Dorgan with Senator Graftly in introducing legislation in the last congress called Restitution for Victims of Crimes Act of 2006. It was introduced on June 23, 2006 to get justice department officials the tools that they have requested to do a better job of collecting court ordered federal restitution and fines. That bill includes removed many existing impediments to increase collections.

**Bonnie Palecek:** (see attached testimony).

Opposition: None

Hearing closed.

Chairman DeKrey: Reopened the hearing on HCR 3031.

Do Pass Motion Made By Rep. Delmore Seconded By Rep. Kingsbury

Vote: 13 Yes 0 No 1 ABSENT CARRIER: Rep.Wolf

Hearing closed.

Date: 2-5-07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HR 3031

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Kingsbury

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Meyer	✓	
Rep. Charging	✓		Rep. Onstad	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Heller	—				
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Wolf

If the vote is on an amendment, briefly indicate intent:

Consent Calendar!

**REPORT OF STANDING COMMITTEE**

**HCR 3031: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3031 was placed on the Tenth order on the calendar.**

2007 SENATE JUDICIARY

HCR 3031

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3031

### Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: March 13, 2007

Recorder Job Number: 4964

Committee Clerk Signature *Moira L Solberg*

**Minutes:** Urging Congress to introduce the Restitution for victims of Crime Act to improve the collection of federal court ordered restitution and other criminal dept.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

#### Testimony in Favor of the resolution:

**Rep. Lisa Wolf**, Dist #3 introduced the bill – Att. #1

#### Testimony in Opposition of the resolution:

None

#### Testimony Neutral to the resolution:

None

**Sen. Lyson** made the motion to Do Pass HCR 3031 and **Sen. Nelson** seconded the motion.

All members were in favor and the motion passes.

Carrier: **Sen. Lyson**

**Senator David Nething**, Chairman closed the hearing.





**REPORT OF STANDING COMMITTEE (410)**  
March 13, 2007 1:55 p.m.

**Module No: SR-47-5143**  
**Carrier: Lyson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HCR 3031: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS**  
**(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3031 was placed on the**  
**Fourteenth order on the calendar.**

2007 TESTIMONY

HCR 3031

## Testimony in Support of HCR 3031 Representative Lisa Wolf

Mr. Chairman and members of the House Judiciary Committee, for the record my name is Lisa Wolf, Representative from District 3 in and around the Minot area.

I am here today to testify in support of House Concurrent Resolution 3031.

HCR3031 asks that a resolution be forwarded to the United States Attorney General and each member of the ND congressional delegation urging the US Congress to reintroduce the Restitution for Victims of Crime Act and urge the US Department of Justice to recover court-ordered restitution that is owed to innocent victims.

By law, victims of federal crimes are generally entitled to "full and timely restitution" for losses from a convicted offender. However, in recent years the amount of uncollected restitution and other federal criminal debt has spiraled upward, while the percentage of that debt ultimately recovered for crime victims has plummeted. The amount of uncollected federal criminal debt has increased from \$6 billion in 1996 to over \$41 billion by the

end of fiscal year 2005. Approximately \$15 million in criminal debt ordered by federal courts in North Dakota remained uncollected at the end of fiscal year 2005. The Government Accountability Office (GAO) investigators found that federal criminal justice officials collected an average of only \$.04 on every dollar of criminal debt that was owed to crime victims in years 2000-2002.

US Senator Byron Dorgan was joined by Senator Grassley (R-IA) in introducing legislation in the last Congress called the Restitution for Victims of Crime Act of 2006 (S. 3561), introduced on June 23, 2006, to give Justice Department officials the tools they have requested to help them do a better job of collecting court-ordered federal restitution and fines. That bill includes provisions that will remove many existing impediments to increased collections. That bill also sets up pre-conviction procedures for preserving assets to help ensure that financial assets traceable to a crime are available when a court imposes a final restitution order on behalf of a victim. These tools are similar to those already used by federal officials in some asset forfeiture cases and upheld by the courts.

The Restitution for Victims of Crime Act has been endorsed by a number of organizations concerned about the well-being of crime victims, including: The National Center for Victims of Crime, Mothers Against Drunk Driving, the National Organization for Victims Assistance (NOVA), the National Alliance to End Sexual Violence, Parents of Murdered Children, Inc., Justice Solutions, the National Network to End Domestic Violence and the National Association of VOCA Assistance Administrators (NAVAA).

United States Attorney Drew Wrigley in Fargo, North Dakota has said this legislation "represents important progress toward ensuring that victims of crime are one step closer to being made whole."

Senator Dorgan plans to reintroduce this bill early in the 110<sup>th</sup> Congress.

Thank you for your time, and I will stand for questions.

**NORTH DAKOTA COUNCIL ON ABUSED WOMEN'S SERVICES  
COALITION AGAINST SEXUAL ASSAULT IN NORTH DAKOTA**

418 East Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Fax 255-1904 • Toll Free 1-888-255-6240 • ndcaws@ndcaws.org

Representative Duane DeKrey  
Chair, House Judiciary Committee  
Re: Testimony in support of HCR3031  
February 5, 2007

Chair DeKrey and Members of the Committee:

I am Bonnie Palecek, speaking on behalf of the North Dakota Council on Abused Women's Services in support of HCR3031.

VOCA (Victims of Crime Act) funds are critical to helping millions of victims of all types of violent crime each year. The Fund comes from the collection of federal criminal fines, not taxpayer revenues. The U.S. Congress has repeatedly affirmed that all amounts deposited into the Fund would remain available for victim services. Nevertheless, victim advocates have had to fight the elimination of the Fund in recent years, and the federal effort necessary to collect criminal debts has waned significantly in the last several years.

In North Dakota, VOCA funds have supported victim services of all kinds (over \$1 million in 2005) as well as 60% of our Crime Victims' Compensation Fund (\$86,000 in 2005).

The amounts in the Fund are directly proportionate to the aggressive collection of federal criminal fines, forfeitures, and special assessments. We wholeheartedly support the intent of our Congressional delegation and this resolution to urge the U.S. Department of Justice to recover court-ordered restitution that is owed innocent victims.

Please support HCR3031. Thank you.

