

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 5, 2015

Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB15-1070 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, line 2, strike "and (1.5) (d) (II);" and
2 substitute "(1.5) (d) (II), (1.5) (d) (III), (2), (3), (4), and (4.5);".

3 Page 3, after line 20 insert:

4 "(III) The notice required under subparagraphs (I) and (II) of this
5 paragraph (d) shall specify the existence of the escrow account, the
6 amount on deposit, and the victim's right to execute an order of restitution
7 or bring a civil action to recover against the moneys in the escrow account
8 within ~~five~~ THREE years after the date the escrow account is established.

9 (2) If funds remain in the escrow account after payment of a
10 money judgment pursuant to subsection (1) of this section and if no civil
11 actions are pending under this section after ~~five~~ THREE years from the
12 establishment of an escrow account, the board shall notify the department
13 of corrections of the existence of such escrow account. The department
14 of corrections shall certify to the board a statement of the costs of
15 maintenance of the person in the state correctional institution or
16 institutions at which the person was incarcerated. A statement of the cost
17 of maintenance shall be submitted annually for payment to the department
18 of corrections by the board until such time as the person is released from
19 custody of the state. No such payment shall be made upon the dismissal
20 of the charges against any individual whose proceeds are placed in the
21 escrow account.

22 (3) Upon the dismissal of the charges against any individual
23 whose proceeds are placed in the escrow account or upon a showing by
24 the defendant that ~~five~~ THREE years have elapsed from the establishment

1 of an escrow account and that no civil actions are pending against him or
2 her under this section, the board shall immediately pay any money in the
3 escrow account to the defendant except for funds paid to the department
4 of corrections and anticipated as necessary for future payment to the
5 department of corrections as set forth in subsection (2) of this section.

6 (4) If an escrow account is established under this section, no
7 otherwise applicable statute of limitations on the time within which civil
8 action may be brought bars action by a victim of a crime committed by
9 the person accused or convicted of the crime, as to a claim resulting from
10 the crime, until ~~five~~ THREE years have elapsed from the time the escrow
11 account was established.

12 (4.5) The escrow account shall be established for a period of ~~five~~
13 THREE years. If an action is filed by a victim to recover the victim's
14 interest in the escrow account within such ~~five-year~~ THREE-YEAR period,
15 the escrow account shall continue until the conclusion of such action."

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