

Submitter: D Torres
On Behalf Of:
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB3825
Chair & Committee Members,

I OPPOSE HB 3825.

This bill risks undermining victims' rights, reducing accountability, and creating unintended consequences that could hinder rehabilitation. Instead of shortening the expiration period, we should focus on enhancing the enforcement of these obligations and ensuring that offenders are held accountable for their actions. I urge the committee to reconsider this proposal and seek more balanced solutions that protect the interests of both victims and defendants.

My primary concern with this bill is the potential adverse effect on victims of crime. Monetary obligations, such as fines, and restitution, are often part of the judicial process and serve to hold individuals accountable not just to the state but also to the individuals or communities they have harmed. Restitution ensures that victims are compensated for their losses. By shortening the expiration period, we risk undermining the ability of victims to receive the restitution they are owed. The expiration of judgment remedies for monetary obligations may prematurely release offenders from their financial responsibilities, leaving victims without compensation for their losses.

This bill in its proposed form weakens the sense of accountability that criminal defendants should bear for their actions. Monetary obligations serve as a reminder of the criminal conduct that led to the sentence, and they contribute to the rehabilitation and reintegration process by instilling a sense of responsibility. By shortening the time before these obligations expire, the legislation may inadvertently reduce the perceived seriousness of these obligations, potentially leading to offenders not taking full responsibility for their actions.

This proposal also risks creating inconsistencies in how the law is applied. The existing system allows courts to assess individual circumstances, such as the defendant's ability to pay and the nature of the offense, when determining the length of time for repayment. By mandating an automatic expiration period, the bill overlooks the potential complexity of each case, including situations where the defendant may have the ability to pay, but simply has not made sufficient efforts to do so. The judicial system is designed to ensure that justice is tailored to the unique circumstances of each case, and this blanket policy could undermine that flexibility.

The process of repayment and fulfillment of monetary obligations can be an important part of an offender's rehabilitation. Many individuals subject to monetary obligations are already facing significant barriers to reintegration, such as limited employment opportunities, housing instability, or mental health challenges. Reducing the time period for which these obligations must be fulfilled may unintentionally disincentivize individuals from taking active steps toward rehabilitation and fulfilling their responsibilities. In some cases, it could even encourage individuals to delay or avoid paying their debts, knowing that they will automatically expire after a certain period, regardless of their efforts.

The provision that directs courts to vacate monetary obligation orders when dismissing a criminal case also raises concerns. In practice, dismissing a case does not necessarily equate to a complete resolution of the defendant's obligations, particularly in cases where restitution to the victim is involved. The vacating of orders should not be seen as a blanket approach but should instead require careful evaluation of whether the offender has met their obligations, particularly toward the victim. If such orders are vacated too prematurely, we risk allowing offenders to evade responsibility for actions that have caused real harm to others.

Please DO NOT PASS this bill.