

The current procedure for restitution allows for oversight and accountability that would be taken away and would open the door for fraud and abuse. The potential fraud and abuse would only be able to be overcome with experts and hearings that would be paid for at the state's expense for defendants with court appointed counsel. In a time when our state resources are limited, there seems to be no economic benefit to this bill. In fact, this bill would add an undue burden on defendants under the guise of "improving" a system that is not broken. Why would this system presume credibility for ANY and ALL "third parties" simply because they have created an "invoice or bill"? Why would the ability to write something down on a piece of paper and title it "INVOICE" suddenly make the amount of the invoice reasonable? There would be NO OVERSIGHT and NO ACCOUNTABILITY. Defendants typically only challenge restitution when something has been fraudulently or unfairly claimed. Our office recently received a favorable opinion from the Court of Appeals where the victim was claiming an improper amount of restitution, something that happens from time to time. We very often see situations where a bill or invoice for restitution is hand written. Again, these bills and invoices are accepted and only challenged when something is not reasonable or unlawfully requested. We have also had cases where someone claims a pecuniary interest in something they may not actually own. This is improper and unlawful, but if this bill were to be passed, it would be the defense's burden to prove the fraud and deceit and improper values- adding an entire new layer of litigation to an already overwhelmed criminal justice system. If any third party were to submit an invoice, it would be presumed to be reasonable and accurate even when there may be significant legal issues involved and the defense would then have to spend (state) resources to simply investigate the invoices since there will be no oversight nor accountability. The defense would then have to spend significantly more (state) resources to rebut the presumption and show that an invoice was not, in fact, reasonable or accurate. I oppose this bill and encourage our state legislators to oppose this bill as well.