

I am writing in opposition of SB214 because the proposed bill defies logic and inappropriately attempts to fleece criminal defendants, and is unconscionable on its face.

In my practice representing court appointed criminal defendants the standard operating procedure is to wait until after an individual has plead to a charge, and then often demand they pay restitution where no factual basis has been provided and the nexus connecting the amount to the charge is tenuous at best. The most egregious case I have seen yet was a homeless man who plead to a criminal mischief charge for breaking the window of a business downtown. The requested amount - \$10k - and the victim had already been compensated the \$1k necessary for replacing the window. The victim attempted to argue a wide variety of reasons for why they needed \$9k in additional restitution, part of which was for the damage to their 'feng shui' inside the business.

This bill is class warfare, plain and simple. If a victim cannot show why a restitution demand is reasonable, they have the civil process available to them. This bill opens a back door for large corporations who have no place in requesting restitution (which has been litigated to their detriment), and for people to demand compensation for repairs they never intend to have performed. In my opinion, the requirements should be more stringent, not less. An individual should NOT be permitted to request an amount based solely on an estimate without a justifiable reason.

The current state of the law makes sense. If an individual is entitled to restitution, figuring out that amount should be relatively simple. It makes sense to put the onus on the person requesting the amount, rather than force an indigent defendant to say why a deficient demand is unreasonable.