

PART 353

FINANCIAL OBLIGATIONS

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§353.1 Definition.

(a) Financial obligations shall include but not be limited to restitution, administrative fees, fines, mandatory surcharges and designated surcharges.

(b) Undisbursed restitution payments shall mean payments which have been remitted and are to be disbursed to an intended beneficiary, but have gone unclaimed for a period of one year because the location of the intended beneficiary cannot be ascertained after using reasonable efforts.

§353.2 Objective.

To ensure that collection and disbursement of financial obligations are in accordance with legal requirements and acceptable accounting procedures and to promote offender accountability and victim compensation.

§353.3 Rules.

(a) Each local probation director shall be responsible for ensuring that his or her respective probation department adheres to the accounting procedures for probation departments issued by the Office of the State Comptroller with respect to handling of all financial obligations which the department collects or similar procedures which establish a system of controls to guarantee accurate and timely collection and disbursement of financial obligations.

(b) Every local probation department shall ensure that all financial obligations are promptly disbursed to intended beneficiaries or paid over to appropriate county officials, and reported to State and/or local officials consistent with any time frames established in law, by court order or release conditions. Information relating to financial obligations shall be reported to the Division of Probation and Correctional Alternatives consistent with applicable law and as determined by the Division.

(c) Interest accrued and any undisbursed restitution payments shall be designated for the payment of restitution order that have remained unsatisfied for the longest period of time. Reasonable efforts for purposes of such payments shall include initial notice by mail to the address of record and contact with the United States post office or telephone information service for a possible forwarding address

or new telephone listing. In the event that an intended beneficiary dies prior to completion of the restitution, the remaining payments shall be made to the estate of the deceased. Every local probation department shall establish a written procedure for handling of undisbursed restitution payments, including any interest earned. Unsatisfied restitution orders shall mean that the last scheduled payment is at least sixty calendar days overdue. A probation department shall establish a current listing of unsatisfied restitution orders in order to determine which crime victim has gone unsatisfied for the longest period of time. Monies may be disbursed based upon month or year of the unsatisfied order, and a local director shall provide for a mechanism whereby crime victims receive a proportion or fixed amount of undisbursed monies and interest earned. Nothing shall preclude a local probation director from disbursing monies in excess of the amount of disbursement as calculated above, based upon undue hardship of the victim after confirming such hardship.

(d) Repeated failure to make financial obligations as required by law shall be timely reported to the appropriate court, local conditional release commission, or the Board of Parole.