

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 841

To increase the special assessment for felonies and improve the enforcement of sentences imposing criminal fines, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 23 (legislative day, MAY 15), 1995

Mr. McCAIN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To increase the special assessment for felonies and improve the enforcement of sentences imposing criminal fines, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Crime Victim Assist-  
5 ance Improvement Act”.

6 **SEC. 2. SPECIAL ASSESSMENTS ON CONVICTED PERSONS.**

7 (a) INCREASE.—Section 3013(a)(2) of title 18,  
8 United States Code, is amended—

9 (1) in subparagraph (A) by striking “\$50” and  
10 inserting “not less than \$100”; and

1           (2) in subparagraph (B) by striking “\$200”  
2           and inserting “not less than \$400”.

3           (b) EXTENSION OF PERIOD OF OBLIGATION.—Sec-  
4           tion 3013(c) of title 18, United States Code, is amended  
5           by striking “five” and inserting “20”.

6           **SEC. 3. TIMING OF PAYMENT OF FINES AND RESTITUTION.**

7           (a) CLARIFICATION OF PROVISION CONCERNING  
8           WHEN A FINE MUST BE PAID.—Section 3572(d) of title  
9           18, United States Code, is amended to read as follows:

10          “(d) TIME, METHOD OF PAYMENT, AND RELATED  
11          ITEMS.—

12                 “(1) IN GENERAL.—Except as otherwise or-  
13                 dered under paragraph (2), a person sentenced to  
14                 pay a fine or other monetary penalty shall not be re-  
15                 leased from custody following sentencing until the  
16                 person has paid the fine or penalty in full.

17                 “(2) DELAYED PAYMENT.—(A) At sentencing,  
18                 the court may, if the interest of justice requires, per-  
19                 mit the defendant to delay payment of a fine or  
20                 other penalty.

21                 “(B) If the court permits the defendant to  
22                 delay payment of a fine or penalty, the court shall  
23                 require that—

24                         “(i) an installment on the criminal debt be  
25                         paid immediately or as soon as the court deter-

1 mines that it would be possible for the defend-  
2 ant to pay an installment; and

3 “(ii) the defendant make payment in equal  
4 monthly installments or on such other schedule  
5 as the court may specify.”.

6 (b) AMENDMENT OF PROVISION CONCERNING WHEN  
7 RESTITUTION MUST BE PAID.—Section 3663 of title 18,  
8 United States Code, is amended—

9 (1) in subsection (b)—

10 (A) in paragraph (4), by striking “and” at  
11 the end;

12 (B) in paragraph (5), by striking the pe-  
13 riod and inserting “; and”; and

14 (C) by adding at the end the following new  
15 paragraph:

16 “(6) make payments to the court or an agent  
17 of the court, to be disbursed to the victim, in any  
18 case in which the court finds such action is nec-  
19 essary to protect the privacy and safety of the vic-  
20 tim.”; and

21 (2) in subsection (f), by striking “(f)(1) The  
22 court may require” and all that follows through “(4)  
23 The order of restitution” and inserting the following:

24 “(f)(1) Except as otherwise ordered under paragraph  
25 (2), a person required to pay restitution shall not be re-

1 leased from custody following sentencing until the person  
2 has paid the restitution in full.

3 “(2)(A) At sentencing, the court may permit the de-  
4 fendant to delay payment of restitution if the court finds  
5 that the defendant is unable to pay.

6 “(B) If the court permits the defendant to delay pay-  
7 ment of restitution, the court shall require that—

8 “(i) an installment on the debt of restitution be  
9 paid immediately or as soon as the court determines  
10 that it would be possible for the defendant to pay an  
11 installment; and

12 “(ii) the person make payment in equal month-  
13 ly installments or on such other schedule as the  
14 court may specify.

15 “(C) This paragraph shall not be construed to limit  
16 any right that a victim may have to obtain and enforce  
17 a civil judgment against the defendant or seek any other  
18 legal remedy available to the victim to redress any injury  
19 caused by the defendant.

20 “(3) The order of restitution”.

21 **SEC. 4. ENFORCEMENT OF SENTENCE OF A FINE THROUGH**  
22 **ORDER SUSPENDING FEDERAL BENEFITS.**

23 (a) IN GENERAL.—Section 3572 of title 18, United  
24 States Code, is amended by adding at the end the follow-  
25 ing new subsection:

1 “(j) SUSPENSION OF FEDERAL BENEFITS.—

2 “(1) DEFINITIONS.—In this subsection—

3 “(A) the term ‘Federal benefit’ means a  
4 grant, contract, loan, professional license, or  
5 commercial license provided by an agency of the  
6 United States or by any entity using appro-  
7 priated funds of the United States (including a  
8 retirement, welfare, Social Security, health, dis-  
9 ability, or veterans’ benefit, public housing, or  
10 any similar benefit, or any other benefit for  
11 which payments or services are required for eli-  
12 gibility); and

13 “(B) the term ‘veterans’ benefit’ means a  
14 benefit provided to veterans, their families, or  
15 survivors under laws administered by the Sec-  
16 retary of Veterans Affairs.

17 “(2) ORDER.—If a defendant is delinquent in  
18 paying a fine or other monetary penalty imposed  
19 under this section, the court may, after a hearing,  
20 issue an order that—

21 “(A) suspends the provision of Federal  
22 benefits to the defendant for the time period in  
23 which the defendant is delinquent, until such  
24 time as—

25 “(i) the delinquency is cured; or

1           “(ii) if the court so orders, the de-  
2           fendant demonstrates a good-faith effort to  
3           cure the delinquency; or

4           “(B) if the defendant demonstrates that  
5           the defendant is unable to make payments as  
6           required, sets a payment schedule that will re-  
7           quire the defendant to pay the maximum  
8           amounts that the defendant can reasonably be  
9           expected to pay under the circumstances.

10          “(3) REINSTATEMENT OF BENEFITS.—An  
11          order under paragraph (2) may provide that if the  
12          defendant cures a delinquency for any time period,  
13          a Federal benefit that is in the form of a payment  
14          of money or other instrument of value to which the  
15          defendant would have been entitled with respect to  
16          that time period shall be provided to the defendant  
17          (without addition of interest for the delay in pay-  
18          ment).”.

19          (b) APPLICATION OF AMENDMENT.—The amendment  
20          made by subsection (a) shall not be applied to deny a Fed-  
21          eral benefit to any person until the date on which the At-  
22          torney General, in consultation with the Director of the  
23          Administrative Office of the United States Courts, issues  
24          a written determination that a cost-effective, readily avail-  
25          able criminal debt payment tracking system operated by

1 the agency responsible for the collection of criminal debt  
2 has established communications links with entities that  
3 administer Federal benefit programs that are sufficient to  
4 ensure that Federal benefits are not denied to any person  
5 except as authorized by law.

6 **SEC. 5. CRIME VICTIMS FUND.**

7 (a) PROHIBITION OF PAYMENTS TO DELINQUENT  
8 CRIMINAL DEBTORS BY STATE CRIME VICTIM COM-  
9 PENSATION PROGRAMS.—

10 (1) IN GENERAL.—Section 1403(b) of the Vic-  
11 tims of Crime Act of 1984 (42 U.S.C. 10602(b)) is  
12 amended—

13 (A) by striking “and” at the end of para-  
14 graph (7);

15 (B) by redesignating paragraph (8) as  
16 paragraph (9); and

17 (C) by inserting after paragraph (7) the  
18 following new paragraph:

19 “(8) such program does not provide compensa-  
20 tion to any person who has been convicted of an of-  
21 fense under Federal law with respect to any time pe-  
22 riod during which the person is delinquent in paying  
23 a fine or other monetary penalty imposed for the of-  
24 fense; and”.

1           (2) APPLICATION OF AMENDMENT.—The  
2 amendment made by paragraph (1) shall not be ap-  
3 plied to deny victims compensation to any person  
4 until the date on which the Attorney General, in  
5 consultation with the Director of the Administrative  
6 Office of the United States Courts, issues a written  
7 determination that a cost-effective, readily available  
8 criminal debt payment tracking system operated by  
9 the agency responsible for the collection of criminal  
10 debt has established cost-effective, readily available  
11 communications links with entities that administer  
12 Federal victims compensation programs that are suf-  
13 ficient to ensure that victims compensation is not  
14 denied to any person except as authorized by law.

15       (b) EXCLUSION FROM INCOME FOR PURPOSES OF  
16 MEANS TESTS.—Section 1403 of the Victims of Crime  
17 Act of 1984 (42 U.S.C. 10602) is amended by inserting  
18 after subsection (b) the following new subsection:

19       “(c) EXCLUSION FROM INCOME FOR PURPOSES OF  
20 MEANS TESTS.—Notwithstanding any other law, for the  
21 purpose of any maximum allowed income eligibility re-  
22 quirement in any Federal, State, or local government pro-  
23 gram using Federal funds that provides medical or other  
24 assistance (or payment or reimbursement of the cost of  
25 such assistance) that becomes necessary to an applicant

1 for such assistance in full or in part because of the com-  
2 mission of a crime against the applicant, as determined  
3 by the Director, any amount of crime victim compensation  
4 that the applicant receives through a crime victim com-  
5 pensation program under this section shall not be included  
6 in the income of the applicant until the total amount of  
7 assistance that the applicant receives from all such pro-  
8 grams is sufficient to fully compensate the applicant for  
9 losses suffered as a result of the crime.”.

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