



YDR Opinion: Pay victims restitution first

Updated: 12/13/2011 08:07:52 AM EST

Tweet

Many of us are hyper-critical when it comes to our state Legislature. It appears, much of the time, that our lawmakers are more interested in playing political games than governing, a belief that extends beyond Harrisburg and infects Washington as well.

So when an idea comes down the pike that seems like such a good idea that it's surprising that nobody had thought about it before, those among us who are critical of our representatives are pleasantly surprised.

Such is the case with state Rep. Keith Gillespie's proposal to allow state courts to suspend driver's licenses of any defendant who fails to make full restitution to victims of motor-vehicle-related offenses.

The bill is a very good idea on a number of levels. For one, it provides compelling incentive to defendants to make restitution to victims of their offenses. And unlike a lot of punitive measures that often adopt a zero-tolerance mandate that create bureaucratic Catch-22s, it provides judges with the discretion to enforce the law without making it impossible for defendants to make payments.

If defendants can make a valid case for their inability to pay and set up a payment plan, judges could withhold suspension. That's a good idea because many defendants would probably need to drive to a job to make money to pay their restitution. Rep. Gillespie, R-Hellam Township, said the proposed law is aimed at those who refuse to pay, not those who are having trouble paying.

That's good governing.

And that seems to be recognized by the legislature. The House Transportation Committee recently gave the bill unanimous approval.

Still, as good as it seems, there is one aspect of the law that may require more attention.

As it is, 50 cents of every dollar defendants pay toward their fines are forwarded to victims. But once the fines are paid off, the state is done with it, leaving the collection of any unpaid restitution to the counties.

The problem with that, according to York County Clerk of Courts Don O'Shell, is the sheer volume of unpaid restitution makes it nearly impossible for counties to collect it. Mr. O'Shell said there are perhaps thousands of defendants who owe restitution in York County. With only one judge to oversee those cases, the backlog is daunting and grows nearly every day.

That can be solved by increasing the proportion of fine money that goes to victims and mandating that they be reimbursed for their losses before the state. Such a move would provide the state with a more powerful incentive to collect unpaid money - threatening license suspensions or even jail time for unpaid fines. Counties can threaten jail time, but enforcement is spotty, what with the huge backlog of cases taxing the counties' ability to stay on top of the situation.

With that change, the Legislature can make a bill that's already good even better.

And it can demonstrate that, sometimes, our representatives are indeed interested in governing instead of playing games to score political points.

advert



This Page Cannot Be Displayed

Based on your corporate access policies, access to this web site
(http://ad.doubleclick.net/adi/mng_main_dp_p)
has been blocked because the web category
"Advertisements" is not allowed.

If you have questions, please contact your corporate network administrator and provide