

**Summary of Proposed Regulation 802 KAR 3:060. Crime Victim Compensation Offender Debt Collections.**

- Creates a new regulation establishing the procedures and criteria utilized by the Crime Victims Compensation Board in recouping debts to the Commonwealth owed by offenders after the Board awards payment to a victim in connection to the criminal act.
- Requires that a notice of debt letter be sent to the offender. The notice of debt letter informs the offender of the debt and their right to appeal.
- States that if the criminal prosecution remains pending, staff shall contact the prosecutorial agency and request that the Board be listed as a restitution payee on the final judgment imposing conviction and sentence in the amount of the claim awarded to the victim. Conversely, if the criminal prosecution concluded before the Board grants an award to the claimant, staff shall contact the prosecutorial agency to inquire whether the final judgment can be amended to reflect that restitution should be paid to the Board in the amount of the claim awarded.
- Lays out minimum monthly payment amounts for both incarcerated offenders and those who were never or are no longer incarcerated.
- Establishes processes for pursuing offenders who fail to make payments on their debt or refuse to agree to a payment plan. Once an offender fails to make regular payments after agreeing to a payment plan, the offender may only enter a payment plan after demonstrating good cause regarding why the offender did not comply with the previous payment plan.
- The Department of Revenue acts as collector for any uncollected amounts for those offenders who are not incarcerated at the time of default. The agency refers claims ripe for such collections to the Department of Revenue.

- When an offender defaults while incarcerated, the agency works with the Department of Corrections and the correctional institution where the offender is housed to intercept – i.e., collect – 50% of the inmate’s state wages each month to pay towards the debt.
- The regulation makes clear that the death of the offender shall not extinguish the debt, and the Board may seek payment from the offender’s estate.