

54A:9-81

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 54A:9-81 (Tax refunds)

LAWS OF: 1997 **CHAPTER:** 226

BILL NO: S360

SPONSOR(S): Bubba

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Law & Public Safety
SENATE: State Government

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 19, 1997
SENATE: February 26, 1996

DATE OF APPROVAL: August 25, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1997, CHAPTER 226, *approved August 25, 1997*
Senate, No. 360

1 AN ACT providing for the collection of certain tax refunds and rebates
2 to pay delinquent assessments and restitution intended for victims
3 of crimes, amending P.L.1981, c.239.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. Section 1 of P.L.1981, c.239 (C.54A:9-8.1) is amended to read
9 as follows:

10 1. Whenever any taxpayer or homeowner shall be entitled to any
11 refund of taxes pursuant to the "New Jersey Gross Income Tax"
12 (N.J.S.54A:1-1 et seq.) or a homestead property tax rebate pursuant
13 to P.L.1990, c.61 (C.54:4-8.57 et al.), and at the same time the
14 taxpayer or homeowner shall be indebted to any agency or institution
15 of State Government, to the Violent Crimes Compensation Board for
16 the portion of an assessment ordered pursuant to N.J.S.2C:43-3.1 for
17 deposit in the Violent Crimes Compensation Board Account or
18 restitution ordered to be paid to the Board pursuant to N.J.S.2C:44-2
19 for deposit in the Violent Crimes Compensation Board Account, or for
20 child support under Title IV-A, Title IV-D, or Title IV-E of the
21 federal Social Security Act (42 U.S.C. §601 et seq.), or other
22 indebtedness in accordance with section 1 of P.L.1995, c.290 (c.)
23 the Department of the Treasury shall apply or cause to be applied the
24 refund or rebate, or both, or so much of either or both as shall be
25 necessary, to satisfy the indebtedness. Child support indebtedness
26 shall take precedence over all other indebtedness. The Department of
27 the Treasury shall retain a percentage of the proceeds of any collection
28 setoff as shall be necessary to provide for any expenses of the
29 collection effort.

30 (cf: P.L.1995, c.290, s.3)

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32 2. This act shall take effect immediately.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

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3 Provides for the collection of delinquent assessments and restitution

4 for the VCCB through the Set-Off of Individual Liability program.

STATEMENT

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3 This bill provides for the set-off against and collection from an
4 individual's State gross income tax refund and homestead property tax
5 rebate of any debt the individual owes to the Violent Crimes
6 Compensation Board (VCCB) for assessments or restitution ordered
7 to be paid by the individual to the board for the compensation of
8 victims of crimes and their families. The use of the Set-Off of
9 Individual Liability (SOIL) program will facilitate the collection of
10 delinquent payments of restitution and assessments against past and
11 present corrections inmates, parolees and probationers that have failed
12 to make scheduled payments ordered at sentencing to provide for the
13 compensation of innocent crime victims.

14 The Violent Crimes Compensation Board is the State agency where
15 assessments against convicted criminals and other offenders are
16 deposited to pay the compensation claims of victims. There are
17 estimated to be over \$150 million in past due payments for
18 court-imposed criminal fines, penalties and assessments which include
19 VCCB assessments and restitution. A State gross income tax refund
20 or homestead property tax rebate claimed by any delinquent will be
21 intercepted and payed to the VCCB. Currently the SOIL program is
22 employed to intercept over \$20 million owed to over 36 State agencies
23 by approximately 1.6 million debtors.

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28 Provides for the collection of delinquent assessments and restitution
29 for the VCCB through the Set-Off of Individual Liability program.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 360

STATE OF NEW JERSEY

DATED: MAY 5, 1997

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 360.

Senate Bill No. 360 provides for the set-off against, and collection from, an individual's State gross income tax refund and homestead property tax rebate for any amount that individual owes to the Victims of Crime Compensation Board (VCCB) for any assessment or restitution the court has ordered that individual to pay as compensation to the victim of a violent crime or his family.

This use of the Set-Off of Individual Liability (SOIL) program will facilitate the collection of delinquent payments of restitution and assessments of compensation from inmates, parolees and probationers who have failed to make the scheduled payments ordered by the court at the time of sentencing.

The VCCB is the collector of, and the depository for, the assessments and restitutions convicted offenders are required to pay to compensate crime victims. It is estimated that there is over \$150 million in unpaid court-imposed fines, penalties, restitutions and assessments. Under the SOIL program, the State would identify and intercept the income tax refunds and homestead rebates of those offenders who are delinquent and would pay those refund and rebate amounts to the VCCB. Currently, the SOIL program is being used by more than 36 State agencies and has generated nearly \$20 million from approximately 1.6 million debtors.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 360

STATE OF NEW JERSEY

DATED: JANUARY 22, 1996

The Senate State Government Committee reports favorably Senate Bill No. 360.

This bill provides for the set-off against and collection from an individual's State gross income tax refund and homestead property tax rebate of any debt the individual owes to the Violent Crimes Compensation Board (VCCB) for assessments or restitution ordered to be paid by the individual to the board for the compensation of victims of crimes and their families. The use of the Set-Off of Individual Liability (SOIL) program will facilitate the collection of delinquent payments of restitution and assessments against past and present corrections inmates, parolees and probationers that have failed to make scheduled payments ordered at sentencing to provide for the compensation of innocent crime victims.

The Violent Crimes Compensation Board is the State agency where assessments against convicted criminals and other offenders are deposited to pay the compensation claims of victims. There are estimated to be over \$150 million in past due payments for court-imposed criminal fines, penalties and assessments which include VCCB assessments and restitution. A State gross income tax refund or homestead property tax rebate claimed by any delinquent will be intercepted and paid to the VCCB. Currently the SOIL program is employed to intercept over \$20 million owed to over 36 State agencies by approximately 1.6 million debtors.

This bill was pre-filed for introduction in the 1996 session pending technical review. As reported, this bill includes the changes required by technical review, which has been performed.

media campaign to promote awareness and a \$100,000 grant from the Governor's discretionary fund to increase personnel on the state's Family Help Line (1-800-THE-KIDS).

The legislation, **S-1388/A2312**, was sponsored by Senators Wynona Lipman (D-Essex/Union) and Senate President Donald DiFrancesco (R-Middlesex/Morris/Somerset/Union) and Assembly Members Loretta Weinberg (D-Bergen) and Charlotte Vandervalk (R-Bergen).

Gov. Whitman also signed the following bills:

S-1036, sponsored by Senators Ronald Rice (D-Essex) and Gerald Cardinale (R-Bergen) and Assembly Members Anthony Imprevuto (D-Bergen/Hudson) Alfred Steele (D-Passaic), authorizes lawsuits for damages by persons who have been mistakenly convicted and imprisoned. In order to receive damages, the claimant must establish by clear and convincing evidence that he or she was convicted and imprisoned for a crime that he or she did not commit. The bill limits the damages that could be awarded to twice the claimant's income in the year prior to incarceration or \$20,000 for each year of incarceration. The claims must be brought within two years of the claimant's release from prison.

A-1982, sponsored by Assembly Members Charlotte Vandervalk (R-Bergen) and Carol Murphy (R-Essex/Morris/Passaic), repeals the statute that requires blood tests for syphilis as a condition for receiving a marriage license. The bill requires that a woman be tested for syphilis at the time of delivery of an infant. Current law also provides that a woman be tested for syphilis at the time of her first medical examination for the pregnancy.

S-360, sponsored by Senator Joseph Bubba (R-Essex/Passaic), and Assembly Members Ken LeFevre (R-Atlantic) and Carmine DeSopo (R-Burlington/Camden), provides for the collection of delinquent assessments and restitution for the Victims of Crime Compensation Board (VCCB) through the Set-Off of Individual Liability Program (SOIL). SOIL will have the ability to collect delinquent monies from debtors' state tax refunds and homestead property tax rebates. The criminal courts impose VCCB assessments and restitution as part of the sentencing process. The VCCB uses funds to compensate innocent crime victims for injuries sustained as a result of crimes committed against them. In FY 1996, VCCB paid out over \$7.3 million in compensation.

A-2416, sponsored by Assembly Members Alex DeCroce (R-Essex/Morris/Passaic) and Nick Felice (R-Bergen/Passaic) and the late Senator William Haines (R-Atlantic/Burlington/Camden), permits loans to be made from Airport Safety Fund to aviation enterprises and certain airports for capital and related purposes. The fund is administered by the Department of Transportation.

S-1093 / A-2060, sponsored by Senators Wayne R. Bryant (D-Camden / Gloucester) and William L. Gormley (R-Atlantic) and Assembly Members Nilsa Cruz-Perez (D-Camden / Gloucester) and Raul Garcia (D-Hudson), makes it easier to evict drug offenders from public housing projects. The bill calls for an amendment to the state's eviction law. It clarifies that federal guidelines take precedence over state law.