
Community Safety Committee

HB 2457

Brief Description: Ensuring access to victim services through the crime victim penalty assessment.

Sponsors: Representative Davis.

Brief Summary of Bill

- Increases the crime victim penalty assessment (CVPA) from \$500 to \$2,000 in the case of a felony or gross misdemeanor offense and from \$250 to \$1,000 in the case of a misdemeanor offense.
- Authorizes the court to impose an additional surcharge on the CVPA up to \$50,000 if the court finds that the defendant possesses substantial financial resources.
- Modifies the definition of indigent for the purposes of the CVPA and requires the person to provide documentary proof of indigency.
- Provides that the CVPA and the additional surcharge may not be reduced, waived, or converted to community restitution hours unless the person is indigent.
- Requires payment of the CVPA and any additional surcharge imposed as a condition to the suspension of a sentence or of probation.

Hearing Date: 1/26/26

Staff: Lena Langer (786-7192).

Background:

When a person is convicted of a criminal offense, the court may impose legal financial

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obligations (LFOs) as part of the judgment and sentence. Legal financial obligations include: victim restitution, court costs, costs associated with the defendant's prosecution and sentence, criminal offense fines, and other fees, penalties, and assessments. Some types of LFOs are mandatory and must be imposed by the court, including the crime victim penalty assessment (CVPA).

Crime Victim Penalty Assessment.

A CVPA must be imposed on a person convicted of a criminal offense in superior court, with some exceptions for vehicle-related offenses. The penalty assessment is \$500 in the case of a felony or gross misdemeanor offense and \$250 in the case of a misdemeanor offense. One hundred percent of the CVPA amounts received are transferred to the county treasurer and must be deposited into a fund for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes.

Ability to Pay.

The court may not impose the CVPA if the court finds that the defendant is indigent at the time of sentencing. Upon motion by a defendant, the court must waive any CVPA previously imposed against a defendant if the person does not have the ability to pay. A person does not have the ability to pay if the person is indigent. A person is "indigent" if the person:

- is receiving certain types of public assistance;
- is involuntarily committed to a public mental health facility;
- is receiving an annual income after taxes of 125 percent of the federal poverty level;
- is homeless or mentally ill as defined under the Sentencing Reform Act;
- has household income above 125 percent of the federal poverty guidelines and has recurring basic living costs that render the defendant without the financial ability to pay; or
- has other compelling circumstances that exist that demonstrate an inability to pay.

Noncompliance or Contempt.

The court may not sanction a person for failure to pay LFOs unless the court finds after a hearing that the failure to pay is willful, which means that the person has the current ability to pay but refuses to do so. A person who is indigent is presumed to lack the current ability to pay. If the court finds that a failure to pay is willful, it may impose sanctions. If the violation was not willful, the court may, and if the defendant is indigent, the court must, modify the terms of payment of the LFOs, reduce or waive nonrestitution LFOs, or convert nonrestitution LFOs to community restitution hours.

Summary of Bill:

The CVPA is \$2,000 in the case of a felony or gross misdemeanor offense and \$1,000 in the case of a misdemeanor offense.

The court must impose the CVPA unless the defendant provides documentary proof, and the court finds on the record, that the defendant is indigent. A person is "indigent" for these purposes if the person:

- is receiving certain types of public assistance;
- is involuntarily committed to a public mental health facility; or
- is ineligible for specified public assistance programs due solely to the person's immigration status and has annual income at or below 125 percent of the most current federal poverty level.

The court may impose an additional surcharge on the penalty assessment if the court finds that the defendant possesses substantial financial resources, which is defined as having a household income that exceeds 200 percent of the area median income. Upon motion by the prosecutor that the defendant may possess substantial financial resources, the court must order the defendant to provide proof of all forms of income prior to the sentencing hearing. The court may impose an additional surcharge on the penalty assessment up to \$50,000 if the court finds by a preponderance of the evidence that the defendant possesses substantial financial resources. The court is advised to impose a surcharge that is proportionate to the severity of the offense and the harm to the victim and the community. The surcharge received must be transferred to the county treasurer and deposited into the same fund as the CVPA amounts received.

The court must require payment of any CVPA and surcharge imposed as a condition to the suspension of a sentence or of probation.

In a case of noncompliance or contempt due to a person's failure to pay LFOs, the CVPA and surcharge may not be reduced, waived, or converted to community restitution hours unless the person is indigent for the purposes of the CVPA.

Appropriation: None.

Fiscal Note: Requested on January 21, 2026.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.