

SUBJECT: Constitutionally dedicating revenue for the crime victims' compensation fund

COMMITTEE: Appropriations — committee substitute recommended

VOTE: 18 ayes — Junell, Delisi, Averitt, Coleman, Cuellar, Davis, Eiland, Finnell, Gallego, Greenberg, Heflin, Hernandez, Hochberg, Mowery, Pitts, Tillery, Walker, West

0 nays

9 absent — Glaze, Haggerty, Hinojosa, Kubiak, Moreno, Price, Raymond, Swinford, S. Turner

WITNESSES: For — Pat Cole, Texas Council on Family Violence; Laura Lyons, Texas Association Against Sexual Assault; Jane Quantan Pipa, Texas Court Appointed Special Advocates; and four individuals

Against — None

On — Laurel Kelly, Office of the Attorney General, Crime Victims' Compensation Fund

BACKGROUND
:

The Crime Victims' Compensation Act, enacted in 1979, established a compensation fund to reimburse victims of violent crimes for certain expenses that are not recoverable from other sources, such as insurance, workers' compensation, Social Security, Medicaid or Medicare. Other persons besides crime victims are eligible to receive payments from the fund, including dependants, immediate family members, household members related to the victim and persons who legally assume the obligation or voluntarily pay certain expenses for the victim. Revenue for the fund is generated from court fees paid by criminal offenders.

Reimbursement is allowed for such expenses as medical, counseling, rehabilitation, funeral and child care but not property damage. Money in the fund comes primarily from court costs and fees imposed on criminal offenders. The attorney general administers the fund.

Since 1979 the crime victims' compensation fund has made about 66,700 awards to crime victims totalling about \$230 million. In fiscal 1996 about \$28 million was awarded to about 9,543 victims.

DIGEST: CSHJR 1 would amend the Texas Constitution to make the compensation of crime victims fund and the compensation of crime victims auxiliary fund separate dedicated accounts in the general revenue fund. The Legislature could appropriate money from the funds only for the purposes of compensating and providing services to crime victims and paying the administrative costs of providing services to them. If other money for emergency assistance was depleted, monies in the funds could also be used for the purposes of assisting victims of episodes of mass violence.

CSHJR 1 would take effect January 1, 1998, if voters approved the proposed amendment at an election to be held November 4, 1997. The ballot proposition would read: "The constitutional amendment designating the purposes for which money in the compensation to victims of crime fund and the compensation to victims of crime auxiliary fund may be used."

SUPPORTERS SAY: CSHJR 1 would reflect the strong commitment of the state to serving citizens who have been victims of crime. For almost 20 years, the Legislature has maintained the statutory dedication of this fund out of empathy with and respect for these citizens.

Recent sessions, however, have seen a number of attempts to divert money from the crime victims compensation fund for unrelated purposes. CSHJR 1 would protect the fund from such raids, allowing it to be used as the Legislature envisioned — to help crime victims who have suffered through no fault of their own.

OPPONENTS SAY: CSHJR 1 would allow for an unwise constitutional dedication of state revenue. Dedicated funds lie beyond the effective reach of the Legislature, limiting its discretion and ability to meet the spectrum of state needs. Even in fiscal emergencies, such funds cannot be used to sustain other programs. Although the compensation of crime victims is a worthy endeavor, many equally worthy programs do not enjoy similar protection.

CSHJR 1 would place in the constitution a dedication of revenue that rightfully belongs in statute, where it can be considered among many competing demands. The Legislature spends a good deal of its time prioritizing demands on the state's fiscal resources. Its deliberations should not be limited, even to ensure funding for what are now considered valuable state programs. The Legislature has recognized this in recent sessions by eliminating and consolidating dedicated funds to allow for increased flexibility in the appropriations process.

OTHER
OPPONENTS
SAY:

CSHJR 1 would too liberally prescribe uses for the crime victims compensation fund. Allowing the funds to be spent on services for crime victims, rather than just for payments to victims themselves, would open the fund to a variety of uses with varying degrees of pertinence to crime victim compensation. A variety of bills this session would provide new uses for the fund, from fugitive apprehension to DNA analysis. Constitutionally dedicated funds should be defined carefully to ensure they are used for the purposes intended.

NOTES:

The committee substitute specified that each fund would have a separate dedicated account in the general revenue fund. The substitute also provided that the funds pay for the administrative costs of providing services to victims of crime.

HB 2628 by Gallego, the enabling legislation for CSHJR 1, was reported favorably by the House Appropriations Committee on April 17.

The companion measure, SJR 33 by Moncrief, was adopted by the Senate on April 17 and has been referred to the Appropriations Committee.