

SUBJECT: Using the crime victims compensation fund for related grants or services

COMMITTEE: Appropriations — committee substitute recommended

VOTE: 19 ayes — Junell, Delisi, Averitt, Coleman, Finnell, Gallego, Glaze, Greenberg, Haggerty, Heflin, Hochberg, Kubiak, Pitts, Price, Raymond, Swinford, Tillery, Walker, West

0 nays

8 absent — Cuellar, Davis, Eiland, Hernandez, Hinojosa, Moreno, Mowery, S. Turner

SENATE VOTE: On final passage, April 17 — 31-0

WITNESSES: For — Laura Lyons, Texas Citizens Against Sexual Assault

Against — None

On — Laurel Kelly, Office of the Attorney General

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. Money in the fund comes primarily from court costs and fees imposed on criminal offenders. The attorney general administers the fund.

Reimbursement is allowed for such expenses as medical care, counseling, rehabilitation, funeral and child care but not property damage. 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.

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: CSSB 987 would allow excess money in the crime victims' compensation fund to be transferred to the state general revenue fund. In the fiscal year beginning September 1, 1998, the attorney general would estimate the number of deposits the fund would receive in the coming fiscal year, other than donations and federal contributions. If the attorney general estimated that money due to the fund would exceed the fund's obligations by more than \$100 million dollars, the excess would be transferred to the general revenue fund. Any interest accrued on money in the fund could be used for grants or contracts supporting victim-related services or assistance.

Until August 31, 1998, the Legislature could appropriate money from the fund or from the victims of crime auxiliary fund to state agencies delivering or funding victim-related services or assistance.

The bill would take effect September 1, 1997.

SUPPORTERS SAY: CSSB 987 would reflect the state's strong commitment to serving citizens who have been victims of crime by enabling the crime victims' compensation fund to respond to their changing needs. During the 73rd legislative session, the Crime Victims' Compensation Act was amended to increase the amount that offenders paid into the fund. This has resulted in a large increase in income to the fund, which CSSB 987 would put to its best and most efficient use.

The increased inflow to the fund has resulted in more money than is necessary to meet the out-of-pocket needs of crime victims. CSSB 987 would allow money from the fund to be spent on other victim-related services, which are currently going begging for lack of funds while the excess in the victims' compensation fund goes unused. The money could be used to fund worthy objectives, such as DNA testing, that lead to the apprehension of more criminals, an invaluable service to present and potentially future victims of crime.

The bill would also allow use of the interest on fund monies for grants or contracts supporting victim services or assistance and allow for transferring excess money in the fund to the general revenue fund. These would be creative financing options for maximizing the use of revenues for the benefit of all Texans. None of these options would cause the fund to turn away

clients; “excess” would be defined as above \$100 million, a very conservative threshold.

**OPPONENTS
SAY:**

CSSB 987 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. This could lead to abuse and divert money from the purposes the Legislature envisioned when it established the fund — to help crime victims who have suffered through no fault of their own.

NOTES:

The committee substitute deleted provisions directing money from the crime victims' compensation fund to the Fugitive Apprehension Fund and and DNA Testing Fund, and moved from 1999 to 1998 the year that the attorney general would have to begin making revenue estimations for the crime victims' compensation fund.