

SUBJECT: Revising fiscal practices relating to compensation for crime victims

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 5 ayes — Peña, Vaught, Riddle, Pierson, Talton
0 nays
4 absent — Escobar, Hodge, Mallory Caraway, Moreno

SENATE VOTE: On final passage, May 8— 31-0, on Local and Uncontested Calendar

WITNESSES: For — Marc Levin, Texas Public Policy Foundation Center for Effective Justice
Against — None
On — (*Registered, but did not testify:* Jennifer Jones, Legislative Budget Board; Gene McCleskey, Office of the Attorney General; Victoria Trinidad, Texas Department of Criminal Justice Community Justice Assistance Division)

BACKGROUND: The Crime Victims’ Compensation Act calls for the Office of the Attorney General to administer the Crime Victim’s Compensation (CVC) fund and the CVC auxiliary fund, which award compensation to victims of crimes or families of victims who have sustained monetary losses as a result of personal injuries or deaths. Revenue in the CVC fund comes primarily from court costs and fees imposed on criminal offenders.

In its *Government Effectiveness and Efficiency Report* entitled, “Strengthen the Solvency of the Crime Victims’ Compensation Fund,” the Legislative Budget Board presented recommendations aimed at improving the long-term viability of the CVC by increasing revenues, improving accuracy in reporting of restitution information, and creating of an end-of-year reserve for compensation payments.

DIGEST: SB 1616 would modify statutory provisions on reporting estimated funds destined for the Crime Victim’s Compensation (CVC) program and would

revise practices for the maintenance and enhancement of a reserve fund for the program. The bill would call for the Attorney General to retain an emergency reserve from excess revenue available in the CVC Fund. If the fund was projected to become insolvent during the following fiscal year, the attorney general would retain an emergency reserve equal to at least 10 percent of the total amount of compensation payments estimated to be made during the subsequent fiscal year. The reserve would be available for use during the next fiscal year only. Any emergency reserve authorized could not at any time exceed \$10 million.

By September 15 of each year, the attorney general would certify the amount of money remaining in the CVC and auxiliary fund at the close of the preceding fiscal year. If the remainder exceeded \$5 million, the attorney general could transfer from the excess an amount not to exceed 25 percent of the current balance of the CVC auxiliary fund for the purpose of providing compensation in the present fiscal year. The Legislature could not appropriate any excess emergency reserve funds retained for use during the biennium.

The bill would require community supervision corrections departments, corrections parole officers and panels, courts, and local juvenile parole and probation officers to submit a report within 15 days of the end of a quarter containing information on any restitution payments ordered or made during the quarter by applicable individuals. Information contained in the reports would be assembled and published annually by the applicable state agencies. Information in the reports that did not allow the personal identification of convicts or victims would be subject to release. To the extent possible, affected state agencies could publish reports jointly.

The bill would take effect September 1, 2007.