

BILL ANALYSIS

Senate Research Center
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S.B. 1616
By: Averitt
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current revenue and expenditure projections suggest that the compensation to victims of crime fund (fund) will become insolvent by the end of the 2011 fiscal year.

As proposed, S.B. 1616 creates a collection improvement program for the fund with the goals of increasing its sources of revenue and improving its management. The bill also makes several other technical changes to the fund.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 42.037, Code of Criminal Procedure, by adding Subsection (q), to require each community supervision and corrections department, parole office, and parole panel to submit to the Texas Department of Criminal Justice (TDCJ), in a form required by TDCJ, a report containing information relating to, as applicable, any restitution payment made during the preceding calendar quarter by a person placed on community supervision, paroled, or released to mandatory supervision or any restitution ordered by the parole panel in a criminal case during that period not later than the 15th day following the end of each calendar quarter. Requires TDCJ to publish a report based on statistical information collected under this subsection annually. Authorizes TDCJ to publish the report with one or more related reports required of other state agencies by law, if practicable. Provides that the statistical information is not confidential and may be released, notwithstanding any other law, except that the release of the names of defendants and victims remains subject to all confidentiality requirements otherwise imposed by law.

SECTION 2. Amends Article 56.54, Code of Criminal Procedure, by amending Subsections (b), (c), (h), and (i) and adding Subsections (i-1) and (l), as follows:

(b), (c), and (h) Makes conforming changes.

(i) Authorizes the attorney general, from any portion of the compensation to victims of crime fund (fund) that was deposited during a fiscal year that was in excess of all compensation payments required to be made out of the fund during that fiscal year, to retain an amount of emergency reserve to be used during the next fiscal year only for the purposes provided by Subsection (i-1), and requires the attorney general, if the fund is projected to become insolvent during the next fiscal year, to retain an amount of emergency reserve from that excess portion equal to at least 10 percent of the total amount of the compensation payments estimated to be made during the next fiscal year, to be used during the next fiscal year for that purpose only (auxiliary fund). Makes conforming changes.

(i-1) Creates this section from existing text of Subsection (i). Makes conforming changes.

(l) Requires the attorney general, after consulting with the comptroller of public accounts (comptroller), to certify the amount of money remaining in the auxiliary fund at the end

of the preceding state fiscal year not later than September 15 of each year. Authorizes the attorney general, if the amount remaining in the fund exceeds \$5 million, as soon as practicable after the date of certification, to transfer from that excess amount in the auxiliary fund to the fund an amount that is not more than 25 percent of the balance of the compensation to victims of crime auxiliary fund, to be used only for the purpose of making compensation payments during the fiscal year in which the amount is transferred.

SECTION 3. Amends Articles 56.541(a), (b), and (c), Code of Criminal Procedure, as follows:

(a) Requires the attorney general, after consulting with the comptroller, to prepare forecasts and certify estimates of the amount of money from the fund that the attorney general anticipates will be obligated during the next state fiscal biennium to comply with this chapter (Rights of Crime Victims), including any amounts anticipated to be retained under Article 56.54(i) as an emergency reserve for each state fiscal year of the biennium, in addition to other estimates set forth in this subsection, not later than December 15 of each even-numbered year. Makes a nonsubstantive change.

(b) Makes nonsubstantive changes.

(c) Prohibits the legislature from appropriating any amount of excess money actually retained under Article 56.54(i) for use as an emergency reserve during each of the two state fiscal years of the biennium.

SECTION 4. Amends Subchapter C, Chapter 71, Government Code, by adding Section 71.0353, as follows:

Sec. 71.0353. RESTITUTION INFORMATION. (a) Requires each court, not later than the 15th day following the end of each calendar quarter, to submit to the Office of Court Administration (OCA) of the Texas Judicial System, in a form required by OCA, a report containing information relating to any restitution ordered by the court in a criminal case during that period.

(b) Requires OCA to publish annually a report based on statistical information collected under this section. Authorizes OCA to publish the report with one or more related reports required of other state agencies by law, if practicable. Provides that the statistical information is not confidential and may be released, notwithstanding any other law, except that the release of the names of defendants and victims remains subject to all confidentiality requirements otherwise imposed by law.

SECTION 5. Amends Subchapter C, Chapter 61, Human Resources Code, by adding Section 61.0411, as follows:

Sec. 61.0411. RESTITUTION INFORMATION. (a) Requires each local juvenile parole office, not later than the 15th day following the end of each calendar quarter, to submit to the Texas Youth Commission (TYC), in a form required by TYC, a report containing information relating to any restitution ordered by the court in a criminal case during that period by a juvenile who is paroled by TYC.

(b) Requires TYC to publish annually a report based on statistical information collected under this section. Authorizes TYC to publish the report with one or more related reports required of other state agencies by law, if practicable. Provides that the statistical information is not confidential and may be released, notwithstanding any other law, except that the release of the names of juveniles and victims remains subject to all confidentiality requirements otherwise imposed by law.

SECTION 6. Amends Subchapter C, Chapter 141, Human Resources Code, by adding Section 141.0422, as follows:

Sec. 141.0422. RESTITUTION INFORMATION. (a) Requires each local juvenile probation office, not later than the 15th day following the end of each calendar quarter, to submit to the Texas Juvenile Probation Commission (commission), in a form required by the commission, a report containing information relating to any restitution ordered by the court in a criminal case during that period by a juvenile who is placed on juvenile probation by the commission.

(b) Requires the commission to publish annually a report based on statistical information collected under this section annually. Authorizes the commission to publish the report with one or more related reports required of other state agencies by law, if practicable. Provides that the statistical information is not confidential and may be released, notwithstanding any other law, except that the release of the names of juveniles and victims remains subject to all confidentiality requirements otherwise imposed by law.

SECTION 7. Provides that the change in law made by this Act in adding Article 42.037(q), Code of Criminal Procedure, Section 71.0353, Government Code, and Sections 61.0411 and 141.0422, Human Resources Code, applies only to a restitution payment made or restitution ordered on or after the Act's effective date.

SECTION 8. Effective date: September 1, 2007.