

- SUBJECT:** Compensation for civil legal services for crime victims
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 6 ayes — Hinojosa, Dunnam, Garcia, Nixon, Smith, Talton
0 nays
3 absent — Green, Keel, Wise
- WITNESSES:** For — Pamela M. Brown, Hidalgo County Bar Association Pro Bono Project; Regina Rogoff, Legal Aid of Central Texas; Errol A. Summerlin, Coastal Bend Legal Services; Andy Kahan, Harris County Victim Advisory Council; Nora Jo Sherman, also representing her daughter and her husband
Against — None
- 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 dependents, immediate family members, certain household members, and persons who legally assume the obligation or voluntarily pay certain expenses for the victim. Reimbursement is allowed for such expenses as medical, counseling, funeral, child care, and participation or attendance in certain judicial proceedings related to the crime, but not for property damage. Money in the fund comes primarily from court fees paid by criminal offenders. The attorney general administers the fund.
- In 1997, voters amended the Texas Constitution to allow money in the Crime Victims Compensation Fund (CVCF) and the crime victims compensation auxiliary fund to be used only to deliver or fund victim-related compensation, services, or assistance. In addition, the money may be used to help victims of mass violence if other money appropriated for emergency assistance is depleted. The 75th Legislature authorized the appropriation of money in the CVCF to state agencies that deliver or fund victim-related services or

assistance and allowed the fund to be used for grants or contracts supporting victim-related services.

The Office of the Attorney General estimates that in fiscal 2000, the fund will have an unexpended balance from fiscal 1999 of \$194.6 million. Revenue for fiscal 2000-01 will be about \$129 million, while payments from the fund for compensation claims are estimated at \$68 million for the biennium.

DIGEST: CSHB 3324 would allow the attorney general to use money appropriated from the CVCF to support private Texas nonprofit corporations that provide victim-related civil legal services directly to victims, immediate family members of victims, or claimants.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

SUPPORTERS SAY: CSHB 3324 would allow the CVCF to be used to help victims with civil legal services. This authority could be used, for instance, to help domestic violence victims get a protective order, to aid a family member in obtaining custody of children after one parent had murdered the other, to help a surviving spouse settle an estate after a death caused by crime, to help someone who had been disabled because of a crime obtain government benefits, or to restructure debts of someone whose credit had been ruined because of a crime.

CSHB 3324 would allow the attorney general to fund these necessary and worthwhile expenses for crime victims. Many victims cannot afford these types of legal services, and the need cannot be met adequately by legal aid or other organizations. Coastal Bend Legal Services reports that about 12 percent of persons asking for legal aid are domestic violence victims and that it has to turn away 60 percent of those who apply for help.

The attorney general would award the funding and would monitor expenditures to ensure that civil legal services for victims would meet the constitutional and statutory requirements that money in the fund go to victim-related compensation, services, or assistance. Spending money on these types of legal needs even could save money in the long run by reducing law enforcement or medical costs for victims.

**OPPONENTS
SAY:**

Because it would not define what type of legal services the nonprofit corporation would have to render in order to receive support from the fund, CSHB 3324 could be drawn too broadly. The bill would not require that the funds be used for direct reimbursements for victims' expenses. This could result in funding for legal services that are too far afield from the constitutional requirement that the fund be used to help victims with expenses, services, and assistance.

NOTES:

The original bill would have authorized the Legislature to appropriate money to the Texas Supreme Court for civil legal services to victims.